nees have been recognized under the standing order, Mr. HARRY F. BYRD, JR., will be recognized for not to exceed 15 minutes. There will then be a period for the transaction of routine morning business of not to exceed 10 minutes, with statements limited therein to 5 minutes each, at the conclusion of which the Senate will proceed to the consideration of the Clean Air Act. The pending question at that time will be on the adoption of the amendment by Senator RANDOLPH, No. 1798.

Rollcall votes will occur on amendments to the Clean Air Act tomorrow, and on motions in relation to the same, perhaps, and at no later than 2 p.m. the Senate will resume consideration of the unfinished business, the tax reform bill, with votes on amendments thereto occurring throughout the afternoon and into the evening.

ADJOURNMENT UNTIL 8 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8 a.m. tomorrow.

The motion was agreed to; and at 6:44 p.m., the Senate adjourned until tomorrow, Wednesday, July 28, 1976, at 8 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 27, 1976*

The House met at 12 o'clock noon.

Father Roman E. Mishey, Holy Trinity Polish National Catholic Church, Cleveland, Ohio, offered the following prayer:

During the Bicentennial Year, we ask Thee, Almighty God, to stimulate a greater appreciation for the heritage of our country and to uplift our confidence in the future of America.

Although future is given by Thee, its shape depends on our creativity and responsibility. Help us to overcome our shortcomings and assist us in carrying on the ideals of the Founding Fathers.

May Thy servants, Members of this body, do what is right in their good conscience, and may America gain from their labors. Open their hearts for better understanding the needs of our Nation and its future generations. May we see that our future and the future of our children is not that which pleases us, but that which we know is right.

Good Lord, bless each Member of the House, their families, people whom they represent, and God, above all, in the beginning of the third century, bless America. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 7685. An act for the relief of Mildred N. Crumley.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13359. An act to authorize loan funds for the government of the Virgin Islands, and for other purposes.

FATHER ROMAN E. MISHEY

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

Mr. JAMES V. STANTON. Mr. Speaker, it is fitting in this our Bicentennial Year that Father Roman E. Mishey, who is the pastor of the Holy Trinity Polish National Catholic Church in Cleveland, Ohio, to offer a prayer for this country, because Father Mishey this year became a citizen of the United States, having been in the United States for the last 6 years. I think he represents more than anything else the spirit of the third century, that spirit that our forefathers forged and developed to create this great Nation.

I think Father Mishey hopes and aspires for this Nation to develop the potential that it has achieved in the last two centuries.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE A REPORT ON H.R. 14846, MILITARY CONSTRUCTION BILL, 1977

Mr. ICHORD. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight tonight to file a report on H.R. 14846, the new military construction bill for 1977, just reported out of the Committee on Armed Services.

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

There was no objection.

"ORPHANS OF THE EXODUS"

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

Mr. REES. Mr. Speaker, all of the nations which signed the Helsinki Final Act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union is not living up to that promise, Members of Congress are conducting a vigil on behalf of the families which remain separated.

A case history of these families entitled "Orphans of the Exodus" dramatically details this tragic problem. At this time I would like to bring to the Members' attention the situation of the Andreyeva family.

The Jews of Lithuania have had more than their share of suffering in the 20th century. During the Nazi occupation, 1941–44, in the Second World War, the considerable Jewish population was largely exterminated. Of those that remain, there are many now determined to seek their freedom and security in Israel, the only country they hold to be their true homeland.

One such couple living in Vilnius, the capital of the Lithuanian Republic, is Liuba Andreyeva and her husband Aleksandr. They have repeatedly applied for exit visas and have repeatedly been refused. They long for the day when they will be reunited with their family in Israel.

In a letter from Israel, Liuba's mother wrote:

HONORED FRIENDS: Accept much thanks and devotion for your great efforts to help unite children who are separated from their families.

I hope that my mother's heart will be rejoiced with that feeling. My daughter, son-in-law and child are in Vilnius, Lithuania. For three and a half years they have requested permission to come to us. They received nine refusals. We also applied to the Minister of the Interior of Vilna. But all is without results. It is almost unreal to express our disappointment.

We want to hope that thanks to your great efforts we will be able to rejoice with our children.

With great appreciation.

THE REPUBLICAN VICE-PRESIDENTIAL NOMINEE

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

Mr. JOHN L. BURTON. Mr. Speaker, I am a little bit disappointed with the former great and glorious Governor of the State of California, when he sought a Vice-Presidential nominee, that he did not decide to pick myself, although I am not as liberal as his running mate.

I know the Governor. I know that he is a man of his word. I know his strong feelings against abortion, notwithstanding the fact that he signed the most liberal abortion bill in the country. I know he raised the sales taxes of the people of San Francisco from 4 cents to 6.5 cents. I know he raised the taxes of the people of California in amounts of $2 billion to $3 billion, including a sales tax on popcorn in movie theaters.

Notwithstanding that, I feel that he is really the Manchurian candidate. I feel that if he sought a balanced ticket, he could have chosen someone from our side of the aisle—although not as liberal—as his running mate, which would help achieve a balanced ticket and carry the South.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PERSONAL EXPLANATION

Mr. BAUMAN. Mr. Speaker, on yesterday I was absent during rollcalls Nos. 546 and 547 because of an appointment with the President of the United States at the White House.

Had I been present, I would have voted "yea" on rollcall No. 546, on H.R. 10133, final passage of the bill upgrading the position of Under Secretary of Agriculture, and "yea" on rollcall No. 547, the rule permitting debate on H.R. 13955, amending the Bretton Woods Agreement Act.

PROVIDING FOR AMENDMENT OF THE BRETTON WOODS AGREEMENTS ACT

Mr. REES. 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. 13955) to provide for amendment of the Bretton Woods Agreements Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. REES).

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

Mr. SEBELIUS. 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 396, nays 0, not voting 36, as follows:

[Roll No. 548]

YEAS—396

Abdnor	Brown, Calif.	Derrick
Abzug	Brown, Mich.	Derwinski
Adams	Brown, Ohio	Devine
Addabbo	Broyhill	Dickinson
Alexander	Buchanan	Diggs
Allen	Burgener	Dingell
Anderson, Calif.	Burke, Calif.	Dodd
	Burke, Fla.	Downey, N.Y.
Anderson, Ill.	Burke, Mass.	Downing, Va.
Andrews, N.C.	Burleson, Tex.	Drinan
Andrews, N. Dak.	Burlison, Mo.	Duncan, Oreg.
	Burton, John	Duncan, Tenn.
Annunzio	Burton, Phillip	du Pont
Archer	Butler	Early
Armstrong	Byron	Edgar
Ashbrook	Carney	Edwards, Ala.
Ashley	Carr	Edwards, Calif.
Aspin	Carter	Eilberg
AuCoin	Cederberg	Emery
Bafalis	Chappell	English
Baldus	Clancy	Erlenborn
Baucus	Clausen, Don H.	Eshleman
Bauman		Evans, Colo.
Beard, Tenn.	Clawson, Del	Evans, Ind.
Bedell	Cleveland	Fary
Bell	Cohen	Fascell
Bennett	Collins, Ill.	Fenwick
Bergland	Collins, Tex.	Findley
Bevill	Conable	Fish
Biaggi	Conlan	Fisher
Biester	Conte	Fithian
Bingham	Conyers	Flood
Blanchard	Corman	Florio
Blouin	Cornell	Flowers
Boggs	Cotter	Flynt
Boland	Coughlin	Foley
Bolling	Crane	Ford, Mich.
Bonker	D'Amours	Ford, Tenn.
Bowen	Daniel, Dan	Forsythe
Brademas	Daniel, R. W.	Frenzel
Breaux	Daniels, N.J.	Frey
Breckinridge	Danielson	Fuqua
Brinkley	Davis	Gaydos
Brodhead	de la Garza	Giaimo
Brooks	Delaney	Gibbons
Broomfield	Dent	Gilman
Ginn	Madden	Rose
Goldwater	Madigan	Rosenthal
Gonzalez	Maguire	Rostenkowski
Goodling	Mahon	Roush
Gradison	Mann	Rousselot
Grassley	Martin	Roybal
Gude	Mathis	Runnels
Guyer	Matsunaga	Ruppe
Hagedorn	Mazzoli	Russo
Haley	Meeds	Ryan
Hall, Ill.	Melcher	St Germain
Hall, Tex.	Metcalfe	Santini
Hamilton	Meyner	Sarasin
Hammer-schmidt	Mezvinsky	Sarbanes
	Michel	Satterfield
Hanley	Mikva	Scheuer
Hannaford	Milford	Schneebeli
Harkin	Miller, Calif.	Schroeder
Harrington	Miller, Ohio	Schulze
Harris	Mills	Sebelius
Harsha	Mineta	Seiberling
Hawkins	Minish	Sharp
Hayes, Ind.	Mink	Shipley
Hays, Ohio	Mitchell, Md.	Shriver
Hechler, W. Va.	Mitchell, N.Y.	Shuster
Heckler, Mass.	Moakley	Sikes
Hefner	Moffett	Simon
Heinz	Mollohan	Sisk
Hicks	Montgomery	Skubitz
Hightower	Moore	Slack
Hillis	Moorhead, Calif.	Smith, Iowa
Holland		Smith, Nebr.
Holt	Moorhead, Pa.	Snyder
Holtzman	Morgan	Solarz
Horton	Mosher	Spellman
Hubbard	Moss	Spence
Hughes	Mottl	Stanton, J. William
Hungate	Murphy, Ill.	
Hutchinson	Murphy, N.Y.	Stanton, James V.
Hyde	Murtha	
Ichord	Myers, Ind.	Stark
Jacobs	Myers, Pa.	Steed
Jarman	Natcher	Steiger, Wis.
Jeffords	Neal	Stephens
Jenrette	Nedzi	Stokes
Johnson, Calif.	Nichols	Studds
Johnson, Colo.	Nix	Sullivan
Johnson, Pa.	Nolan	Symms
Jones, Ala.	Nowak	Talcott
Jones, N.C.	Oberstar	Taylor, Mo.
Jones, Okla.	Obey	Taylor, N.C.
Jordan	O'Brien	Teague
Karth	O'Neill	Thompson
Kasten	Ottinger	Thone
Kastenmeier	Passman	Traxler
Kazen	Patten, N.J.	Treen
Kelly	Patterson, Calif.	Tsongas
Kemp		Ullman
Ketchum	Pattison, N.Y.	Van Deerlin
Keys	Paul	Vander Jagt
Kindness	Pepper	Vander Veen
Koch	Perkins	Vanik
Krebs	Pettis	Vigorito
Krueger	Peyser	Waggonner
LaFalce	Pickle	Walsh
Lagomarsino	Pike	Wampler
Latta	Poage	Waxman
Leggett	Pressler	Weaver
Lehman	Preyer	Whalen
Lent	Price	White
Levitas	Pritchard	Whitehurst
Lloyd, Calif.	Quie	Whitten
Lloyd, Tenn.	Quillen	Wilson, Bob
Long, La.	Railsback	Wilson, C. H.
Long, Md.	Randall	Wilson, Tex.
Lott	Rangel	Winn
Lujan	Rees	Wirth
Lundine	Regula	Wolff
McClory	Reuss	Wright
McCloskey	Rhodes	Wydler
McCollister	Richmond	Wylie
McCormack	Rinaldo	Yates
McDade	Roberts	Yatron
McDonald	Robinson	Young, Fla.
McEwen	Rodino	Young, Ga.
McFall	Roe	Young, Tex.
McHugh	Rogers	Zablocki
McKay	Roncalio	Zeferetti
McKinney	Rooney	

NAYS—0

NOT VOTING—36

Ambro	Green	Hansen
Badillo	Hébert	Risenhoover
Beard, R.I.	Helstoski	Staggers
Chisholm	Henderson	Steelman
Clay	Hinshaw	Steiger, Ariz.
Cochran	Howard	Stratton
Dellums	Howe	Stuckey
Eckhardt	Jones, Tenn.	Symington
Esch	Landrum	Thornton
Evins, Tenn.	Litton	Udall
Fountain	O'Hara	Wiggins
Fraser	Riegle	Young, Alaska

Mr. CORMAN changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13955, with Mr. CHARLES H. WILSON of California 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 California (Mr. REES) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. J. WILLIAM STANTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time I would like to yield such time as he may consume to the very distinguished chairman of the Committee on Banking, Currency and Housing, the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, today we consider H.R. 13955, to amend the Articles of Agreement of the International Monetary Fund—IMF. Representative REES, chairman of the Subcommittee on International Trade, Investment, and Monetary Policy of the House Committee on Banking, Currency and Housing, who has done such an informed and painstaking job, will explain the details of the legislation under consideration. I emphasize a few of its most salient aspects.

The amended IMF articles will permit member countries to choose individually whatever type of exchange rate regime they each prefer to adopt. If a particular member wants to state a par value in terms of SDR's, that is permissible. If a country wants to stabilize the external value of its currency with respect to another currency, or with respect to a group of currencies, that also is possible.

The United States has chosen neither of these options. Instead, this Government has decided to let the external value of the dollar be determined primarily by the interaction of private supply and demand in exchange markets. Official intervention in exchange markets by U.S. monetary authorities is to be confined to combating evident disorder in these markets.

The legislation before us provides that if the United States is to adopt a par value for the dollar, the Executive must first come to the Congress for authorization of such a step. I support the exchange rate arrangements specified in the proposed amendments to the IMF articles.

In addition to adopting a laissez-faire attitude toward the exchange rate preferences of member countries, the proposed amendments to the Fund articles include a step toward phasing out gold as a reserve asset held by the International Monetary Fund. The only amendment to the articles required to initiate

this process is abolition of the offical price of gold. But in addition, the Fund has resolved to liquidate one-third of its gold holdings over the next 4 years. A consequence of phasing out gold as a reserve asset, it is hoped, will be to increase use by monetary authorities of special drawing rights, or "paper gold," created by the IMF.

Under the amended articles, the International Monetary Fund will assume expanded responsibilities for surveillance of the exchange rate policies and practices of member countries. Among the Fund's responsibilities will be to insure that member states do not manipulate their exchange rates to prevent balance-of-payments adjustment or to gain an unfair competitive advantage. One of the problems with the old system was that other countries tended to undervalue their currencies with respect to the dollar, and thus to promote their own exports and domestic employment to the disadvantage of the United States. If the IMF effectively discharges its responsibilities in the future, a repetition of this problem should not occur.

The Committee on Banking, Currency and Housing added two amendments to the legislation submitted to us by the Treasury. Both of these amendments I support as strengthening the proposed changes in the IMF articles.

One amendment eliminated from the Gold Reserve Act of 1934 the obsolete policy directive that the Secretary of the Treasury shall use the Exchange Stabilization Fund "for the purpose of stabilizing the exchange value of the dollar." Today the United States has no particular exchange rate target for the dollar, and no specific balance-of-payments objective. The language in the statute is a vestige of Bretton Woods fixed-rate ideology, and should be eliminated. No new policy goal is specified in the committee's amendment; instead, the Secretary of the Treasury is authorized to use the Exchange Stabilization Fund in a fashion "consistent with the U.S. obligations in the International Monetary Fund." This amendment has the support of the Treasury.

The second amendment relates to the role of Congress.

The profits from part of the gold sales that have been initiated by the IMF are being placed in a special trust to be used for the benefit of developing country members. Arrangements for the establishment of this trust fund, and the liquidation of one-third of Fund gold stocks, were concluded without adequate consultation with the Congress. Consequently, the second amendment requires the approval of the Congress for the establishment of any new or additional trust fund for the benefit of a segment of the Fund's membership. This amendment is intended to help insure that the Congress is fully consulted about any plans to liquidate the remainder of Fund gold, whatever the method of disposition, and particularly that we have an opportunity to express ourselves on the establishment of any facility benefiting particular members.

I have questioned the Treasury about its intentions regarding consultation with the Congress on any plans to dispose of the remaining 100 million ounces of Fund gold. Secretary Simon's initial response has been published in the record of the hearings of the Subcommittee on International Trade, Investment and Monetary Policy on H.R. 13955. I submit subsequent exchange between myself and the Secretary of the Treasury:

JUNE 11, 1976.

Hon. WILLIAM E. SIMON,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: Since some of the written questions submitted at the close of your testimony on June 2 before the Subcommittee on International Trade, Investment and Monetary Policy of the House Committee on Banking, Currency and Housing were raised on my behalf, let me thank you for thoughtful and responsive answers. The concerns underlying the third question relating to consultations with the Congress on disposition of the remaining 100 million ounces of gold that will be retained by the International Monetary Fund following current distributions were not explicitly detailed. Therefore, while your response is entirely satisfactory as far as it goes, I am still uncertain about your position regarding some of the implicit concerns that prompted me to raise the question initially. I hope that I shall not try your patience if I pursue the issue a bit further and request additional clarification.

Your answer concludes with the following commitment:

"We would, of course, keep the Congress fully informed of all sales of IMF gold whether 'extraordinary and special' or 'ordinary and general.'"

The distinction you draw in your response between "extraordinary and special", on the one hand, and "ordinary and general", on the other hand, uses of Fund gold is helpful. However, it does not quite get to the root of the equity issues that prompted my inquiry. The distribution of benefits among IMF members would differ markedly whether the remaining 100 million ounces of gold is sold in the market and the entire proceeds placed in the general accounts of the IMF, whether the full amount is "restituted" among the Fund membership in proportion to their quotas, or whether the 100 million ounces is sold in the market and a portion of the proceeds are placed in the Trust Fund or distributed among developing country members.

If sales for the general accounts or if restitution were under consideration and the Congress were not consulted about these "ordinary and general" uses of Fund gold, then I and my colleagues would not have an opportunity to register our opinions regarding the equity implications of such a decision to distribute remaining Fund gold stocks.

As you may recall, I have in previous correspondence expressed strong reservations about the equity impact of "restitution". In addition, in your November 1, 1975 letter to me you said, "The United States could certainly have accepted—indeed, would have preferred—a solution which did not call for a distribution of one-sixth of IMF gold to members in proportion of quotas, but this was not a practical approach." Can you reaffirm this predisposition of the Treasury against restitution?

Furthermore, can you assure me that once disbursement of the remaining 100 million ounces of IMF gold becomes a subject of active consideration, the Congress will have ample opportunity to consult with the Treasury and that I and my colleagues will be able to register our opinions regarding both the equity and other relevant implications of any contemplated IMF gold liquidation?

Sincerely,

HENRY S. REUSS.

THE SECRETARY OF THE TREASURY,
Washington, June 17, 1976.

Hon. HENRY S. REUSS,
Chairman, Committee on Banking, Currency and Housing, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of June 11, requesting further clarification of my views on questions relating to the disposition of IMF gold.

As I indicated in my letter of November 1, while the U.S. accepted restitution as part of a negotiated settlement, we did not propose restitution and would have preferred that it not be included in the agreement. Our views on restitution have not changed.

I understand your concerns about possible future restitution and your desire that there be an opportunity for members of Congress to register their views prior to decisions to restitute any part of the IMF's gold beyond that already agreed. Accordingly, I want to assure you that, in the event the U.S. were to consider agreeing to further restitution, you and your colleagues would be given ample opportunity to consult with the Treasury and register your views on the proposal.

Sincerely yours,

WILLIAM E. SIMON.

The amendments to the IMF articles of agreement that this legislation endorses are essential to modernize the International Monetary Fund. The rules of that institution must be brought into conformity with existing realities. Passing the legislation before us will help protect the external financial interests of the United States. It deserves the endorsement of every Member of the House.

Mr. REES. Mr. Chairman, H.R. 13955 is to amend the Bretton Woods Agreements Act. The Bretton Woods Agreements Act created the International Monetary Fund. This is a rather complex area because it is a very complex world. It might be best if I give the Members some background as to what the history is of the IMF.

In 1944 it was decided by the countries that were bringing World War II to an end that, in order to avoid the complete chaos in the international monetary system that existed before World War II, it would be necessary to set up an international monetary fund which would be an international agency. The duty of that international agency would be to try to bring order to the international monetary system. This was terribly important because if a country wished to foul up the international economic system unilaterally, it is not very hard to do. They can do this by manipulating their own currency or the currency of another country.

The Bretton Woods Act and the International Monetary Fund were tied up to with fixed currency system so at all times we would know exactly what the value of a currency was, and if a country got into very serious trouble, they could borrow from the International Monetary Fund. But in that case the International Monetary Fund would set down conditions as to what that country would have to do domestically in order to clean up their economic house. This worked very well. We had a fixed parity. The dollar was fixed to the price of gold. The price of gold was $35 an ounce; later it went to $41 an ounce; and the reserves in the International Monetary Fund were in gold, dollars, and pounds sterling.

But what happened was that as the

world economy started to recover, as we went into a very dynamic period of international expansion, we found that the International Monetary Fund could not keep up with us. Ten years ago at the World Bank-IMF meeting we created another reserve called "special drawing rights" that could have some relationship to the need for international liquidity for trade purposes. So here was another reserve asset. But still this did not work out for the United States because the U.S. dollar had no flexibility. The U.S. dollar was tied to the price of gold, and the U.S. dollar was also the major currency. So we had two pressures on the dollar. First, we had the pressure of the dollar in dealing with our domestic economy and, second, we had the pressure on the dollar caused by its role as the major international currency.

This got worse and worse. We had the Smithsonian Agreements to try to deal with this in 1971. Finally in 1973 the whole system of fixed rates blew up.

Let me tell the Members what the pressure was on the dollar. The dollar was an overpriced currency because it was tied into gold at $35 an ounce, and it was overvalued, which meant that our exports were very expensive and foreign imports were very inexpensive. As a result, our balance of payments started disintegrating, and we started moving into a recessionary period because the imports were coming in and not enough exports were going out.

It was estimated by the Brookings Institution that this probably cost the United States from 500,000 to 750,000 jobs because industries were closing down since they could not compete on the international market, and imports were hurting the domestic market.

In 1973 we floated the dollar, and immediately the price of the dollar went down. People were upset; they said that it was terrible that the price of the dollar was going down. But it is the best thing that ever happened to the dollar because our exports became cheaper and our imports became more expensive, and we now have a very strong, positive balance of payments in the United States, and I think our economy right now is very sound, especially in the international arena.

But the problem is that under the original IMF agreement, floating was not allowed. We could not float our currency. So since 1973 we have been acting in contravention of the rules and regulations of the International Monetary Fund. Our policy—and this has been the policy of the Committee on Banking, Currency and Housing, of both the majority and the minority—has been for floating rates. Floating rates, we feel, reflect a realistic market.

So we started having hearings last year. We worked very closely with Secretary Simon over at Treasury, and we backed up Secretary Simon and the administration for the agreements that we now have in this act. What we do is to legalize floating rates, and we have to do this at this time because we have a float now that is not regulated by the International Monetary Fund. When we have a situation where the float is not regulated, it means that a country can artificially keep the price of its currency down so that their exports are cheaper in order to compete unfairly against the exports of a country which is not manipulating its currency.

This is why we have to have this amending legislation and this is why we have to have this legislation now. The amendments to the IMF do quite a few things. We legalize the float and give the IMF the power to set criteria for the float. Gold no longer has an official standing in the IMF. We also in this act abolish the official price of gold and the tie-in of the dollar to gold. We increase the quotas of the members of the IMF by 30 percent. We have to expand these quotas because international trade has expanded and we continually have to expand quotas in the IMF to deal with increased volume in international trade.

The United States' voting share has dropped from 20.75 to 19.96 percent but we also changed the voting procedure in the IMF so that any major change in the Fund rules have to be voted on by at least 85 percent of the votes. This means that at all times the United States has a veto power. So we are safe. We have a veto power over all the major amendments to the IMF articles.

We also authorize the establishment of a Council that acts more or less as a board of directors. We have the same thing now which is called an interim committee, but it has not been structured within the IMF. What this bill does is to allow for the establishment of a Council if there is an 85-percent vote of the members.

What this bill does is desperately needed at the present time. Most of this bill reflects the policy of the U.S. Government. Our policy was accepted by the rest of the world in the Jamaica interim agreements in January of this year. We are the leaders and we are the richest country. We are the country that has taken the responsibility to develop the float. We must have this legislation so we have a controlled float and so that we have some order in international markets. It is absolutely necessary.

These are the most important amendments to the articles of the agreements since the original Bretton Woods agreements in 1944.

This legislation was passed by only one dissenting vote in the Banking, Currency and Housing Committee. We have worked on this bill in a bipartisan manner. I think those of us on this subcommittee and the full committee recognize how important this legislation is and we would urge an "aye" vote.

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

Mr. REES. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, I commend the gentleman on a very succinct statement on a very complex issue. I only wish more people were here to listen to those remarks.

Second, I associate myself with the remarks of the gentleman and also with the remarks the gentleman from Ohio (Mr. J. WILLIAM STANTON) has made.

Mr. REES. I thank the gentleman.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I am sure it is fully acknowledged by all that we are back here today because the legislation we refer to as the Bretton Woods Agreements came up under a suspension of the rules and failed by a handful of votes of getting the two-thirds majority. I believe many of the Members to whom I have spoken have expressed the fact that they voted "no" at that time basically out of a lack of knowledge and I think basically I would share the blame with those who questioned whether it was the type of legislation that should have been brought up under a suspension of the rules. But I would say in fairness to the leadership on both sides of the aisle, who concurred in this opinion, that as the gentleman from California has so well put it, during the debate on this legislation it passed our committee by a 24 or 25 to 1 vote. Amendments were offered and an amendment was accepted. There were no more amendments pending. The bill was voted out. It passed out of our subcommittee unanimously.

On the other hand, it probably should not have been brought up under suspension, for the simple reason that it is very important legislation. These are the first major legislative changes to the International Monetary Fund Agreements, since the gentleman from California (Mr. REES) pointed out that Bretton Woods was first assembled in 1944. Over the course of the last few months, specifically, and over the course of the years since 1972, an attempt has been made to solve the problem of the floating exchange rates. What we do today, number one, basically and fundamentally, is to ratify the basic agreements that the countries have had throughout the world since the collapse of the fixed exchange rate in 1971.

Second, what we do and this, I think, is of interest, because there will be an amendment in this regard, there is an increase in the amount of assets in the International Monetary Fund from the amount of $29 billion to $39 billion in special drawing rights. This has occurred due to the normal process of a review by the IMF every 5 years of their assets. This is the sixth review.

It was decided at this time, due to the increase in the capitalization, specifically of the oil-rich countries, that an increase was warranted and they decided on a 33-percent increase to the funds, the majority of which funds will come, of course, from these oil-rich countries.

Mr. Chairman, that is basically the extent of it. The majority of the bill, as we all recognize, will be the subject matter of the amendment process, with emphasis on the formation of a council that the gentleman from California (Mr. REES) has referred to, which we will be glad to face up to at that time.

Once again, the other amendments, to my knowledge, are two-fold, either to the extent once again of the involvement of the gold question before us, and second, an attempt to politicize the fund by setting certain restrictions.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, can the gentleman give us some indication, if this was not successful in the legislative process, that the Congress rejected the IMF proposals, and as the gentleman knows the repercussions and in the application of the difference between a suspension and the normal process; if the Congress were unable to pass this agreement, what ramifications would the gentleman anticipate in the international money markets?

Mr. J. WILLIAM STANTON. First, let me say, the reaction I received by personal telephone was that it was misinterpreted. Word went out that Congress had turned down this legislation, where in reality we lost a two-thirds vote by a handful.

I hate to think of the consequences. First of all, the emphasis on the International Monetary Fund has come from the Treasury of the United States. We stand as the one country of the world that has veto power.

This is a package of amendments that were put together with great thought and great detail and gained the unanimous support of the other countries of the world. We were in the leadership and now for Congress to turn this down, I would hate to think of the economic chaos involved.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, will the gentleman anticipate the reaction of other countries in terms of their will to ratify the agreement if the United States rejects it?

Mr. J. WILLIAM STANTON. There is no question if the United States turns it down, the other countries will have no reason to accept the agreement. I do not anticipate that.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Georgia.

Mr. STEPHENS. Mr. Chairman, I agree with the need for us to ratify with this opportunity we have now.

Mr. Chairman, I would like to ask this question of the gentleman from Ohio (Mr. J. WILLIAM STANTON). Along the line in the debate yesterday someone said, "Why is there any hurry about this?"

Well, there is not any real precipitous hurry about it, but is it not true that the International Monetary Fund had a record of leading the world; would it not be important to make some decision in that month before they convene?

Mr. J. WILLIAM STANTON. The gentleman is absolutely correct. It would be my anticipation that it will pass this House today. Certainly, it will pass the Senate, I would presume definitely before the recess, no later than the latter part of August and we will have accomplished our mission and the majority of the countries will soon follow suit.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, I think it would be important to place in the RECORD the discussion with Dr. Burns this morning in terms of his views of the report.

Mr. J. WILLIAM STANTON. If the gentleman refers to the appearance of Dr. Burns before our committee, House Concurrent Resolution 133, in which he emphasized that it is a question of the need, while we were then at that time concentrating on domestic monetary policy, the need for international monetary policy and cooperation is specific, and of course this purpose is absolutely important.

Mr. TSONGAS. I believe his exact language was that it was a good bill and should be passed.

Mr. J. WILLIAM STANTON. That is right.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I think the gentleman made a very significant statement which, perhaps, deserves some emphasis. That was, that this bill embodies international agreements which were arrived at because of American leadership in the field. What we are doing now is putting in legislative form the results of our leadership in Rome, at the Smithsonian Conference, in Rambouillet and in Jamaica, in which agreement to the United States position in almost every case prevailed pretty well. The rest of the world was willing to follow our leadership. We have led the way, and now this bill before us simply reaffirms those agreements. Is that the case?

Mr. J. WILLIAM STANTON. The gentleman is absolutely correct. I appreciate his pointing out the necessity for this cooperation, and further pointing out that it does not come easy. There are some countries in this world which had a definite viewpoint which was contrary to what the Department of the Treasury and our Members think was in the best interests of the United States.

It took months and months of travel. I personally know, and it was reported to me, that an assistant secretary of the Treasury made 18 round trips across the pond in order to hammer out an agreement protecting the interests of the United States, and at the same time further the interests of the international monetary system.

Mr. FRENZEL. My understanding is exactly the same as the gentleman. The one country which has the most to gain from all of these agreements since the new economic policy of 1972, when we discovered our enormous imbalances of trade were growing, is the United States, and all of the consultations that have followed have resulted in agreements that have been favorable to us. As a result of these agreements, our balance of payments have turned around, until we got into oil difficulties, and have been quite favorable.

As a matter of fact, going into a flexible monetary situation internationally has been most responsible for our ability to trade in a balanced fashion with our trading partners. To turn down this particular bill would simply be to put us back into a situation where we can no longer compete well in international trade.

I thank the gentleman for his statement and for the generous use of his time.

Mr. J. WILLIAM STANTON. I appreciate the gentleman's contribution.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to associate myself with the remarks of the gentleman, and also to compliment him on his statement.

Mr. J. WILLIAM STANTON. Mr. Chairman, I yield 7 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I feel that I am taking a lonely position here today. I was that lonely voice on the Committee on Banking, Currency and Housing which voted against this bill. I did not do this carelessly. I did this with deep thought, long hours of study, and with deep conviction. Even though I feel lonely here, I am also content to be here because I have a conviction and total belief that economic truth is on my side and not with the trend of the times with which we are living today.

This bill symbolizes and legitimatizes inflation; inflation not only on a national level, but at an international level. This is the reason I oppose this bill and will not be a part of it. I think this is a solemn occasion—for we are here today to bury the Bretton Woods agreement, the great Bretton Woods agreement that came about in 1944.

The whole reason why the Bretton Woods agreement lasted so long is the fact that it was based on the American dollar, backed up with $27 billion in gold. The Bretton Woods agreement rolled over and died the day we closed the gold window in 1971, when our gold reserves dropped down to $10 billion. This point should not be ignored. Possibly we should take a moment of silence for those two individuals who concocted this Bretton Woods agreement, John Maynard Keynes and Harry Dexter White. Some would say they would be disappointed to see the disintegration of this agreement. However, there are others who have proposed some of the ulterior motives might have been such that they would not have been disappointed. I think it is important that we bury the Bretton Woods agreement, however. There were many who, back at that time in 1944, said that it would not work, could not work, and that it was expediency that prompted its creation. I think anything that has been dead for 5 years should be buried. Unfortunately, it is the Congress that is asked to drive the last nail into the coffin and bury this agreement.

However, I feel certain that the bill will pass and that there will be no strong

objection to it. But I do think the administration, in the policies that brought this about, should be responsible for it and that we as the Congress should not be the ones who have sealed the tomb of the Bretton Woods agreement.

We have been living with an international monetary system for the past 5 years that can be described only by the word "chaotic." Our policies have been those of expediency only. In 1944, I would say it was expediency that brought us that agreement. Certainly in 1971, when the Smithsonian agreement was brought up, it was nothing more than expediency. Our administration and President said at that time that "this is the greatest monetary agreement in the history of the world." It lasted a little over 12 months. In 1973, we went into a period of floating rates. During this time that we were supposed to have improvement on stability, we had such fluctuations that our currency sometimes fluctuated over 20 percent of its value.

Those who claim that the Bretton Woods agreement was a successful policy during its lifetime, have other factors to consider. During this time there were over 500 devaluations in 100 different countries, demonstrating the fact that this was not a truly effective international monetary policy.

I think, at the same time, we ought to bury the International Monetary Fund, as well. This is a step that I am quite aware that the economic mood of the country is not ready for, but the truth is that the International Monetary Fund as a monetary functioning agency does not exist. We are seeing a transformation, we are creating something new and different. It is not an agency that will function as a part of our monetary policy.

I think this bill is very important. I want to point out though, that it is very weak. I do not think it will be a monument to our chairman of the subcommittee in his retirement. I think in 2 or 3 years he will realize all of these agreements will not be functioning in the true sense of the word.

Along with the International Monetary Fund, I would like to see us throw in the SDR, bury the SDR, put it in its coffin and get rid of it. The SDR is nothing more than a joke. Some in Congress do not even know what it is. I think many do not know what the SDR is, nor do they know how it is supposed to serve as the monetary reserve for an international currency. It never has functioned as a reserve currency. I do not believe it ever will. I think it only takes a child to know the difference between a gold coin and a piece of worthless paper. I believe that this idea of the SDR, when they call it paper gold and expect it to function as reserve currency, is a joke. It is going to function as a reserve currency when our wives permit us to make earrings out of this paper.

I think you are trying to defy 5,000 years of recorded history. Fiat money does not work. Sound money, honest currency, commodity money, is the only money that ever worked in history. We should realize this and not try to kid ourselves and cover up for inflation.

We now have a situation where we have international inflation at a dangerously high level. I think that floating is just a coverup for the right and the privilege of the politicians to spend and inflate in their respective countries and destroy the money, and along with that we are destroying the middle class of this society and we are destroying the poor people. Until we understand what inflation is and do something about it, all of this type of legislation will do not one bit of good. I urge the defeat of this bill.

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

Mr. PAUL. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. Mr. Chairman, comparing fixed exchange rates with floating exchange rates, in which of the two systems would the gentleman say the free market forces have the most relevancy?

Mr. PAUL. Under the present circumstances where there is no honest money, the only way for money to function is in the system where rates are floating back and forth. But this is like throwing out the yardstick. With sound money, we would have a yardstick, but there is no yardstick now.

Nobody who is used to floating rates will argue in favor of 50 different currencies in this country floating against one another. Can you imagine the economic calamity that would occur under those circumstances? Nobody argues for that. And to argue for floating exchange rates is to argue against economic facts. We cannot have 50 different currencies in this country, and that is the same way it is in an economically close-knit world.

Mr. REES. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, the Bretton Woods agreement is dead, and these proposed amendments are only a belated funeral ceremony. In point of fact, international monetary operations have taken place on an informal, extralegal basis for nearly 5 years. The amendments to the agreement that are contemplated by this bill by and large merely ratify and give a legal basis to monetary operations as they have developed since the final collapse of the Bretton Woods monetary system back in 1971.

But our responsibility is not merely to ratify reality; our responsibility is to determine whether that reality best fits our national interests and needs. I do not believe that the monetary agreement negotiated at Jamaica, and which would be ratified by this bill, is either so urgent that we need approve it today, nor so good that its defeat would cause world upheaval. We can wait to act; we can exercise our clear responsibility to provide some leadership; and we can decide for ourselves what is best for this country.

I intend to offer a couple of amendments to this bill, and will do so at the proper time. I rise now to discuss the bill as a whole, and to offer some observations about its concepts.

Those of us who have an appreciation of history, and I hope that this includes all of us, know that one of the most perplexing and persistent of all political issues is the question of money. What is money? Through all our history, Congress has answered the question in different ways. We have had paper issues, we have had private banknotes, we have had specie, and we have had vast, emotional debates on whether or not silver should be freely coined. We have had greenbacks and gold eagles; and always the issue has been: What makes money worth anything?

Some say that money must have an intrinsic value—must be issued only if it is completely supported by something presumably solid, like gold or silver. Some say that money reflects only the national wealth, and needs no backing other than the people's faith, provided that it is issued in a prudent manner. But the Constitution says, and I say, that Congress has the responsibility to establish our national currency and set the value of it. And that is what this bill is really all about.

We can talk in arid terms about technical agreements, and we can offer one monetary theory or another. But in the end, this bill really addresses the fundamental question of what is money, and how its value should be determined. We would do well to ask ourselves that fundamental question, and not lose sight of it in the midst of all the technical discussion that we will be hearing.

The Bretton Woods system depended on the U.S. dollar, which was in 1944 the only currency in the world with fundamental strength. That strength was insured by our guarantee to settle dollar debts in dollars or gold. In other words, the dollar was said to be as good as gold, even though the popular conception of a gold-backed currency was less than real. Our domestic dollar could be issued freely, regardless of the gold stock; but even so, foreign claims on the dollar could be settled in gold, which acted as a kind of surety against its value; the value of gold remained unchanged, and the value of the dollar remained unchanged. All other currencies were set and maintained at specific values to the dollar.

But this situation was good only as long as the United States remained the world's only great economic power. The dollar was money, not only here at home, but worldwide as well. It was the only universally accepted money. But conditions changed; other countries grew stronger, financed by our contributions and by the liberal trade policies set after World War II. Eventually, the world had more dollars than it wanted. That is what caused the breakup of the Bretton Woods system.

The dollar is still money, but no one can claim debts in the form of gold. In other words, the final guarantee of monetary values set up at Bretton Woods, namely gold, no longer is part of the system. The dollar is still money, but it

has no fixed value in terms of gold, and no other currency has a fixed value in dollars. Currencies today are much like any other commodity; their value depends on what faith traders have in the economies that they reflect. The dollar, as it happens, is having a fine year, and its value is high. The French franc and the British pound and the Italian lira are all having a horrible year, a reflection of the general weakness of those nations' economies.

All of this is very well and good. Our dollar is not tied to the anachronism of gold, and in that respect is now as free as every other currency in the world. We need not set and maintain the price of gold; we need not maintain the dollar at a special value to the pound, the franc or anything else. Our trade need not get out of kilter because of currency misalinement, as it did in 1969 and later years.

And yet we still have not satisfactorily answered the fundamental question of what money really is. We think we know, but there are a great many who have doubts, a great many who press the case for restoring gold to its throne. Are we somehow playing into their hands?

Even though it is banished from the throne, gold is still very much present in government vaults; the United States owns a great deal of it, France wants to acquire more of it—and indeed buys whenever it can, even to the extent of snatching a ton or so a few weeks back—and the Swiss absolutely believe in it. The fact is that the IMF and every other monetary authority of any significance owns a pile of gold. This gold is not money and not part of the monetary system, but there it sits, and no one knows quite what to do with it.

The bill that we are voting on today proposes to get rid of a pile of IMF gold, and use the proceeds to benefit poor countries, who need all the help they can get. The IMF has already had two sales of gold, without benefit of any formal amendment to its charter, so in that respect it seems that their program will go forward whether or not it is ratified by this bill and the agreement it represents. But aside from that point, aside from the fact that the IMF is proceeding without much regard to its charter or our law, the curious thing is that this gold disposal operation is not only difficult, but working at cross-purposes.

Those who know anything about the gold market understand that it is a very thin market; small quantities of sales can have a tremendous effect on the price. The first IMF sale of gold—there are to be 16 of them—had little effect on gold prices. The second sale, however, sent the market into a panic, and drove gold to a 3-year low, a price far below what had bedazzled the eyes of gold bugs 2 years ago.

Now if the IMF is going to raise a lot of money for poor countries, it has to realize a good price for its gold. But if the market is thin and can be broken only after two sales, the poor countries are going to get less than they bargained for. In other words, if the IMF is going to smash the gold bugs once and for all, its best interest lies in letting the market follow its course—down, down, and further down, with each succeeding sale. And even after all that is done, the IMF would still have two-thirds of its gold chips in hand, ready to sell. It ought to be enough to convince any gold bug that times are not very promising.

But if the IMF is going to do its poor clients any good, it has got to get a good price for all that gold. Their interests lie in keeping the price up, not breaking it. And besides that, the IMF must be a little bemused that the French franc keeps falling along with gold, which might explain why that country—aside from its attachment to gold—bought so much of it, and why the IMF chose to wink at that, even though governments are not supposed to be buying the stuff.

In short, and in summary, the IMF is trying to serve two diametrically opposed interests in its gold policy—its own desire to eliminate gold as a reserve asset, which means selling it off and probably causing its price to tumble—and its other interest to get some ready cash for poor countries, which requires keeping the price high. If it keeps the price high, the IMF keeps gold in the system; if not, it alienates Third World countries.

In other words, the fundamental question about gold remains unresolved—it is neither part of the monetary system nor is it banished. This agreement we are being called upon to ratify simply continues this unhappy and unsettled state of affairs; it endorses an operation that is working at crosspurposes.

I have for years believed that the United States should exercise the strongest possible leadership toward fundamental reform of the international monetary system. This has unfortunately not happened, and the agreement we are asked to approve in this bill is a reflection of that weak and inadequate leadership. At a time when we have been in sore need of clear and determined leadership from our Government, we have had a Secretary of Treasury who has been more concerned with scooping the Secretary of State than with the complex and unglamorous work of negotiating monetary reform. At a higher level, the administration of our Government has been set adrift by the criminal default of Richard Nixon and the political weakness of his successor, who seems hardly able to command even the loyalty of his own party, let alone gain the confidence of the Nation, or control over his departmental appointees.

This bill does not represent a good agreement. It does not reflect any fundamental change, any true reformation, of the international monetary system—and yet that is precisely what is needed. The fundamental issues have yet to be addressed or resolved. There is no way to avoid this, sooner or later. We would speed the process by rejecting this agreement and insisting upon one that does address the basic issues, one that does resolve the problems, one that does make sense and is not working against itself. I recommend that we vote no, and insist that the United States seek a real agreement on monetary reform, not merely a ratification of extralegal practices.

Mr. REES. Mr. Chairman, I have no further requests for time.

If the minority has no further requests for time, I would like to request that the Clerk commence the reading of the bill.

Mr. J. WILLIAM STANTON. Mr. Chairman, I have no further requests for time.

Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 13955, the amendment of the Bretton Woods agreement. This bill authorizes U.S. acceptance of certain amendments to the Articles of Agreement of the International Monetary Fund—IMF—and of an increase in the U.S. quota in the Fund.

As the world economy continues to change and present new challenges to all nations, international structures and policies become outdated and must be revised. In the area of international monetary affairs, the IMF Board of Governors and the member countries initiated negotiations in 1972 and finally, in January of this year, approved several amendments to the IMF's policies on exchange rates, special drawing rights—SDR—and the role of gold in the international money market. Many of these proposed changes in the IMF's structure and operating procedures, which are before us today in H.R. 13955, are already essentially in effect, and only require formal U.S. approval to become codified.

One of the essential amendments to the IMF Articles of Agreement is a new article 4. Under existing article 4, each currency is given a "par value" in terms of gold, upon which a basically fixed exchange rate is established. However, since 1973, in response to changes in the international economic situation, these exchange rates have been allowed to float. The recent switch from fixed to floating exchange rates has been not only sensible, but essential in order to maintain stability in the international monetary market and to avoid the possibility of undesirable restrictions on trade.

The proposed change in article 4 merely legitimizes the current use of floating exchange rates within the IMF. At the same time, each member retains the right to adopt an exchange rate policy of its choice, so long as the country meets a general commitment to promote economic and price stability and to avoid the manipulation of exchange rates for competitive advantage. In other words, the new article 4 revises the basic framework for calculating exchange rates by legitimizing floating exchange rates and allowing for flexibility in making future changes in the exchange rate system.

Perhaps the most important change contained in H.R. 13955 is the abolition of the IMF's official price of gold and the termination of the requirement that part of each member's quota in the Fund be paid in gold.

Given the present international monetary system, the use of gold as the major reserve component and the standard of convertibility is no longer viable. Special drawing rights—STR—have been accepted as the most reasonable reserve asset to replace gold. Apart from the present amendments which we are con-

sidering, the IMF has decided to reduce its gold reserves by selling one-sixth of them to IMF members at the current price of 35 SDR per ounce—about $42—and another one-sixth at public auctions. A special trust fund, which will be used to make loans to lesser developed nations with balance-of-payments problems, will be set up from the profits of these public auctions.

The amendments we are now considering in H.R. 13955 will allow the IMF to determine how to dispose of the remaining gold reserves. All such decisions will be subject to a U.S. veto, if necessary, since an 85-percent majority vote will be required before any decision is adopted.

The final major change contained in H.R. 13955 is an increase in the U.S. quota in the IMF of 1.705 billion SDR, or about $2 billion. Since the U.S. Treasury funds which are deposited in the IMF are always subject to withdrawal under IMF rules, the proposed increase in the U.S. quota does not represent a budgetary outlay which requires an additional appropriation, but rather merely an exchange of assets. Furthermore, although the U.S. share of the voting power in the IMF will simultaneously decrease from 20.75 to 19.96 percent, the United States will maintain its effective veto power because the vote required for passage of all basic decisions will be increased from 80 to 85 percent.

The proposed changes in the international monetary system are consistent with the U.S. goals of promoting a healthy world economy and preventing any unnecessary restrictions to trade. I strongly encourage my colleagues to vote to approve these amendments to the IMF's Articles of Agreement by voting in favor of H.R. 13955.

Mr. HANNAFORD. Mr. Chairman, when the International Monetary Fund was established in 1944, its structure was created to cope with a world not only of different nations but of different problems. This structure has proved inadequate to deal with the stresses and strains of the monetary fluctuations and international payments imbalances of the 1960's and 1970's.

The bill we are considering today is the result of recommended changes to the Bretton Woods agreements proposed by the Board of Governors of the International Monetary Fund. Since the Bretton Woods agreement was signed in 1944, the flow of international trade has increased more than 1,000 percent. The same institutions cannot continue to serve the world of 1976 as served in 1944 in the face of this torrent of change. Fixed rates of exchange are simply no longer practical in today's world, and the American businessman is suffering because it puts him at a competitive disadvantage with exporters from other countries. The bill also protects U.S. interests in voting strength, since major decisions such as the disposition of the IMF gold holdings require an 85-percent majority vote and the United States casts 20 percent of the vote.

The IMF has proved to be an instrument for achieving world monetary stability. I urge my colleagues to support this bill to permit the IMF to make these necessary operational changes.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"SEC. 24. The United States Governor of the Fund is authorized to accept the amendments to the Articles of Agreement of the Fund approved in resolution numbered 31–4 of the Board of Governors of the Fund.

"SEC. 25. The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 1,705 million Special Drawing Rights.".

AMENDMENT OFFERED BY MR. GONZALEZ

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

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: On page 2, line 4, strike out the closing quotation marks and the period that follows them.

On page 2 insert immediately after line 4 the following:

"SEC. 26. The President shall instruct the United States Executive Director of the International Monetary Fund to vote against any loan or other utilization of the funds of the International Monetary Fund for the benefit of Laos, Cambodia, or Vietnam, unless these countries are providing the United States with a full accounting for American personnel, both military and civilian, who remain unaccounted for in such countries.".

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GONZALEZ. Mr. Chairman, I have two amendments to this particular section. I would like to know whether a motion asking unanimous consent in order that my amendments be presented seriatim in one-two order is proper.

The CHAIRMAN. The gentleman from Texas (Mr. GONZALEZ) has already offered the first amendment, and that is pending. The gentleman can then offer his second amendment at such time as the committee disposes, one way or the other, of the first amendment.

Mr. GONZALEZ. Mr. Chairman, it has been over 3 years since the Paris Peace Agreement was signed by the United States and there was great rejoicing across the land. A very unpopular war had come to an end, and our prisoners of war were released to a homecoming unprecedented in our Nation's history. But after the excitement had died down we found we could not close our books on our actions in Southeast Asia. There were still many men unaccounted for and many wives, children, and parents were left without any further knowledge of their loved ones.

Today we are still trying to obtain an accounting of these men, and through the efforts of the Select Committee for Missing in Action in Southeast Asia, which was set up by Congress and of which I am a member, we have made some progress; but the road has been difficult.

Since the committee's inception 8 months ago we have held numerous sessions and talked with over 30 witnesses. We have met with President Ford, Secretary Kissinger, and with top-level Indochinese officials in Paris, Hanoi, and Vientiane. We have worked with the National League of Families and the Voices in Vital America, VIVA, as well as with family members and other interest groups. And the staff has done a herculean job of trying to obtain as much information as possible to help the committee with its work.

In March of this year we were finally successful in getting the administration to move through the Department of State to start talks with the North Vientnamese in Paris in order to obtain the accountings we are seeking. At this point there have been several communications but they have not led to any face to face meetings as yet.

I believe that our Nation must use every vehicle available to obtain an accounting of our men and today I am proposing an amendment to the bill which provides for amendments to the Bretton Woods Agreements Act. Under my amendment the Executive Director of the International Monetary Fund would have to vote against any loan or other utilization of the funds of the IMF for the benefit of Laos, Cambodia or Vietnam until they are providing us with an accounting of our missing men, both military or civilian. I realize that this vote alone might not prevent these countries from participating in the fund, but it is a means for the United States to protest the inhumane position being taken by these countries by not providing the United States with the information that we know exists on our missing men.

Our Government has an obligation to those families to get an accounting and we should be willing to use every reasonable means possible to live up to this obligation. Our Nation asked these men to go to war for a cause which our Government believed in and provided money for, and Congress should be willing to do what we can to get the information we know is available on our missing men.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield for a question at this point?

Mr. GONZALEZ. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. The intent of the gentleman's amendment is certainly laudatory but I have some concern as to whether or not this amendment might indeed slow down the work being done by the select committee. By the gentleman's own admission, the committee's work has been frustrating and that it is a slow process. Is it possible that the gentleman's amendment might psychologically have the impact of engendering greater resistance on the part of those whose cooperation we are seeking, and therefore, slow down the process and deny us information that all of us want?

Mr. GONZALEZ. On the contrary, no.

The CHAIRMAN. The time of the gentleman has expired.

(On the request of Mr. MITCHELL of Maryland, and by unanimous consent,

Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. Mr. Chairman, in reply to the inquiry of the gentleman from Maryland, let me say that the answer is no, quite to the contrary. They have negotiated only when they have had something they want handled for it. There is no question but that these countries are trying to get into the IMF now. That is, the old regimes—South Vietnam, the old Cambodian regime, and Laos—did belong.

The question is shall we sit idly by as a nation while a very elemental fact of social intercourse among civilized nations is overlooked as a matter of honor on the only basis that we can request. This is a leverage point that we can exercise and continue to exercise. We have done it in other similar appropriation bills for some of the international banking institutions. I see no reason why we should not do it in this particular case where we can use one of the few levers yet left for the United States to resort to.

Mr. MITCHELL of Maryland. I thank the gentleman for his impassioned reply. I am not at all sure that I am in solid agreement with him on this matter.

Mr. GONZALEZ. I think if the gentleman would recognize that this is born and bred of the experience in the ad hoc committee or the Select Committee on the Missing in Action, and has the approval of all of the organizations that have been involved in this effort that I know of, he might feel differently.

By resolution just last week the national organization adopted a resolution seconding this amendment to this particular measure at this time. If we do not as a nation use our might and our main in defense of our honor, we cannot be respected.

The CHAIRMAN. The time of the gentleman has expired.

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

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

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. I thank the gentleman for yielding.

Will the gentleman comment on this: If, for example, the Arab States look at this as a precedent and say that their contributions to the IMF would be conditional upon the following, that any country which recognized Israel or had any dealings with Israel would not be eligible for funding, would the gentleman support that kind of action?

Mr. GONZALEZ. Apparently the gentleman has failed to study the wording of my amendment. My amendment would in no way condition; it would be merely a unilateral instruction to our representative, our Governor in the Fund, as to where to withhold and where to grant his vote. I see nothing to compare this to an attempt on the part of the Arab nations to restrict the activity of the Fund itself.

Mr. TSONGAS. If the gentleman would yield further, we do have a veto power.

Mr. GONZALEZ. No, we do not. I do not agree with the gentleman in that respect. The gentleman, I think, is fundamentally in error there. We do not quite have a veto power.

All we can do, and properly within the agreement in this concert of nations to join this Fund, is to instruct our representative on that Fund. Otherwise there is no point in having a representative. We are not going beyond that. We are not saying we are not going as a matter of law to join the agreement unless something happens. We are saying that in the event that the agreements are provided and accepted as written, we will ask our representative to withhold as long as there is this continual denial. We are not shutting the door. The wording here is "are providing." We are not saying, "have provided."

The CHAIRMAN. The time of the gentleman has expired.

Mr. REES. Mr. Chairman, I rise in opposition to this amendment not because I am unsympathetic to those families who have loved ones that have not been accounted for since the very tragic Vietnam war. But I would not like to amend the IMF with political amendments. The International Monetary Fund since 1954 has been an international economic agency with only economic responsibilities.

Under the articles of the Fund—article 5, section 3—the only criteria the Fund can use in determining whether a member may draw from the IMF are the economic eligibility criteria. Once Congress makes the vote of the United States contingent on political preconditions—and remember the vote of the United States can kill major IMF change because we do have that veto power—then we are changing the whole nature of the International Monetary Fund and we threaten the ability of the Fund to deal with the economic problems of all of the countries that are members of the Fund.

I do not think that the new governments of Laos, Cambodia, and Vietnam even know what the International Monetary Fund is. Basically the Communist economies are not members of the International Fund because the value they attach to their currency is totally arbitrary. The ruble has a pegged price that has no real relationship to the value of the hard western currencies such as the dollar or the mark. The only Communist country which I can think of that is a member is Yugoslavia, and they have a somewhat mixed economy. The Communist economies do not want to be members of the Fund because they would have to open their books to the IMF and fix a realistic value to their currency.

The IMF is an agency that looks at the economics of the country. Let us say a country has economic difficulties and they want to draw on the Fund. When they get into the second tranche the Fund says: "Look, you have to cut down on your domestic expenditures and stop importing so much." This is what the Fund does, and it is on these conditions the loan is made. It is to provide that discipline to those economies and give those economies the requirement to stabilize their economic situation that is the sole purpose of the Fund. This is the purpose of the IMF and I think it has done an excellent job.

But once we try to politicize it and say we have to deal first with the situation of the prisoners in Southeast Asia or other difficult political issues before they get the loan, then we will be voting in contravention of the articles of the IMF. This is solely an economic institution. We have already done a great deal on this floor to address the problems of our missing service people in Vietnam. We have amended the foreign aid bill and have said no foreign aid is to go to Laos or Cambodia or Vietnam until there is some accountability. We have amended the appropriation bill for the Asian Development Bank so that there will be no loans to these countries until there is this accountability.

But please, if we want to protect the sanctity of the IMF, then the rules of the Fund as it now exists must be recognized and we must keep it purely as an economic agency dealing with the state of the world's economies, so please do not accept this amendment.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, a close reading of the amendment would indicate one additional point besides what the chairman has made. First of all, this amendment would politicize the IMF. This amendment which would deny aid to Cambodia and Vietnam and Laos which I have voted for continually within the appropriation processes of our own Congress. But when we read this amendment, we must keep in mind there are 128 countries involved in the IMF who have contributed their funds to the IMF. When we consider that the amendment says we shall instruct the American director to vote against any utilization of the funds of the IMF for the benefit of Laos or Cambodia or Vietnam, I say to the author of the amendment, that he is denying to those countries the use of the money that they have contributed to this Fund. We must remember we are dealing with 128 countries and we are asking our representative to vote against the use of the funds those countries have contributed. These are funds the countries have already contributed, and the gentleman's amendment is telling this Congress we should ask the international body, despite the fact that those countries have put up some of their own money, to vote against the utilization of those funds.

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

Mr. J. WILLIAM STANTON. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, the gentleman who preceded the gentleman from Ohio, the chairman of the subcommittee, the gentleman from California (Mr. REES), has stated that the Communists are not interested in this arrangement.

The gentleman from Ohio is saying quite the contrary. The gentleman from

Ohio is saying that we are denying these countries what is rightfully theirs. That is not at all a germane question. That is not what we are doing at all. There is nothing political about the amendment. It was the questions that were raised as a result of the approval of these amendments. We are going to have to add close to $2 billion of our credit to the fund. Is their anything political about that?

Mr. J. WILLIAM STANTON. Mr. Chairman, let me say to the gentleman from Texas, the gentleman misunderstood the question. What the gentleman is doing, and the point I am making is that the 128 countries who are members of the IMF, these countries, Communist or non-Communist, whatever they are, have contributed.

Mr. GONZALEZ. That is right.

Mr. J. WILLIAM STANTON. And for the United States to say they cannot utilize these funds just absolutely does not make sense.

Mr. GONZALEZ. This amendment is an amendment to our representative. We are instructing our representative.

Mr. J. WILLIAM STANTON. What is wrong with that is we are doing it to the State Department in the utilization of our funds to that particular country. It is a difference of absolutely night and day, besides the fact they have contributed to those funds.

Mr. Chairman, I just cannot see the point. I honor the heart of the gentleman from Texas. Certainly we all want accountability for prisoners of war. The gentleman cannot tell me that the gentleman wants them any more than I do, for sure; but I cannot see the particular point where it is going to help out in one particular case.

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

Mr. J. WILLIAM STANTON. I am happy to yield.

Mr. GONZALEZ. The gentleman refers to a reading of this amendment. I cannot help but think that any normal interpretation of the phrase and the phraseology of this amendment would lead to any conclusion other than that we in the Congress are saying to our representatives, our representative, the American Governor in the Fund, under what conditions this will be with respect to three nations, Cambodia, Vietnam, and Laos, that is all.

Mr. J. WILLIAM STANTON. We are saying in their internal policies they cannot delve into their own particular funds that they have contributed. I think that is totally unfair. It is not the sense of fairness that the gentleman from Texas is so famous for.

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

Mr. Chairman, I have a substitute amendment and I wanted to strike the first four sentences.

The CHAIRMAN. The Chair will say to the gentleman from Texas (Mr. PAUL) that his amendment is a separate proposition. The gentleman will still have an opportunity to offer his amendment when the Committee disposes of this matter. The Committee is still considering section 1 and until that section is passed, the gentleman will be protected.

The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

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

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GONZALEZ

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

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: On page 2, line 4, strike out the closing quotation marks and the period that follows them.

On page 2 insert immediately after line 4 the following:

"SEC. 26. The United States Governor of the Fund is directed to vote against the establishment of a Council authorized under Article XII, Section 1 of the Fund Articles of Agreement as amended, if under any circumstances the United States' vote in the Council would be less than its weighted vote in the Fund.".

Mr. GONZALEZ. Mr. Chairman, I would like to point out to the Members of the Committee that on the very first page of the bill they are going to vote for section 24, which says:

The United States Governor of the Fund is authorized to accept the amendments to the Articles of Agreement of the Fund approved in resolution numbered 31–4 of the Board of Governors of the Fund.

I want to ask each and every Member present, how many have seen those articles of amendment? Now, the bill under consideration provides that the IMF charter is to be amended so that a new committee can be established in the IMF to be known as "the Council." The distinguished chairman of the subcommittee, in referring to that in the general debate, said that it was just pretty much the same thing as they have now in the so-called Committee of Twenty and Committee of Ten.

This is not true. This is very inaccurate. It is not exact. This new Council would have power. It would have power of establishing policy. What policy? The value of our currency. The Committee of Thirty, the Committee of Twenty, and the Committee of Ten today do not have that power. They are merely advisory, but this new Council will have the power to determine policy.

What is going to be the American participation in this Council of Thirty? The articles of amendment do not tell us. My amendment says that in case the U.S. voting weight is reduced as compared to its weight in the IMF in this new council, then our Governor shall vote against this amendment. What is wrong with that? I fail to see any solid reason why we would not act in our capacity as Members of the legislative body who are being asked to approve, to give our imprimatur of approval, to these amendments.

Are we then going to merely rubberstamp this, or are we going to perform a function? To hear the way some of the Members talk, one would think that the world would come to pieces if anybody in the Congress offered an amendment. Then, what is the bill doing here? Why should it have our approval? If we then admit that we do not know the exact content of the amendments we are ratifying, then are we not confessing to rather shoddy legislating?

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

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

Mr. J. WILLIAM STANTON. Mr. Chairman, the gentleman in the well has referred to the formation of a council.

Mr. GONZALEZ. That is right.

Mr. J. WILLIAM STANTON. This Council would replace what is in existence now as an advisory body, the Interim Committee of Twenty.

Mr. GONZALEZ. On the contrary, it would not be an advisory body.

Mr. J. WILLIAM STANTON. I am trying to accept the gentleman's amendment.

Mr. GONZALEZ. I am ready.

Mr. J. WILLIAM STANTON. I just want to explain to the Members of the Committee that the Council the gentleman refers to will maybe—this is only maybe—replace this advisory committee which has been designed with the purposes of coming up with these particular agreements. Now, the United States, it is true, does have veto power over the funds because the Council to be formed will not be any less in weighted votes in the fund than the governor of the IMF or our contribution.

I am saying to the gentleman that in order to form this Council and any duties it would be given, the final authority still would rest with our Governor and Board of Governors. Therefore, I can see no sense in it, but it certainly does no harm. We would be glad to accept it on this side of the aisle.

Mr. GONZALEZ. I thank the gentleman.

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

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

Mr. REES. In reading the amendment, I agree with my friend from Ohio (Mr. J. WILLIAM STANTON) that the United States now, with its weighted vote of 19.97, could, if it wished to, veto any proposal to create a Council. So, the United States has to approve a Council. The Council is only what the IMF decides it will be.

Mr. GONZALEZ. Which we do not know.

Mr. REES. And any rights, duties, and subject of the Council would be those things that the IMF decided that it will do. The reason, the rationale, behind the use of a Council is that the IMF has 128 members, and it is very difficult at times to deal with complicated proposals.

The Council really is the reaffirmation of the Interim Committee which has been in business for about 4 or 5 years.

It is my impression in discussing this with Treasury that the United States would have exactly the same weighted vote in the Council as the United States does have in the International Monetary Fund.

The majority will accept the amendment.

Mr. GONZALEZ. I thank the gentleman. All is well that ends well.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PAUL

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

The Clerk read as follows:

Amendment offered by Mr. PAUL: On page 2, strike lines 1 through 4.

Mr. PAUL. Mr. Chairman, section 25 of H.R. 13955, on page 2, lines 1 through 4, reads as follows:

The United States Governor of the Fund is authorized to consent to an increase in quota of the United States in the Fund equivalent to 1,705 million Special Drawing Rights.

The SDR has a relative value, depending upon many currencies, so it is impossible to calculate the exact dollars that the Government will be obligated to finance.

This will result in an expenditure by the United States of $2 billion to the International Monetary Fund. This is the result of the IMF's call for an increase in overall quotas by nations in the IMF by 33.6 percent.

Prior to 1968, such payments to the IMF were treated as regular appropriations. Since then, however, they have not been. This is because it was decided that what was really involved was merely an exchange of assets: dollars for SDR's. This makes such outlays more in the nature of deposits in a bank and therefore not subject to the regular appropriations process.

Such reasoning is clearly fallacious. This money leaves the U.S. Treasury just as surely as if it were spent on any kind of goods or service the Government buys. It is not like a deposit in a bank, because the IMF's assets are not subject to withdrawal by the member nations. In other words, if the United States simply wanted to get its $2 billion back, it could not do so, short of disolving the IMF itself. This money remains in the IMF for use in bolstering the value of the dollar, should the need arise, and only in this sense is actually available for use by the United States.

Consequently, it is fiction to maintain that this increase in quotas is anything less than a normal budget outlay and ought to be treated in the same manner. For this reason, I recommend the deletion of this section of the bill under consideration. If an increase in quotas is necessary, it ought to be reintroduced as a separate measure and referred to the Committee on Appropriations.

Another point I would like to make is that the economists, especially the monetarists in Chicago and elsewhere, have always argued that floating takes care of the problem of this tremendous imbalance of payments. I think it is inconsistent when we legislate and legitimatize floating currencies, assuming that we will have much less need to solve balance-of-payments problem, and yet you come along and say, "We have to increase these reserves by 33 percent." I think this is quite inconsistent.

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

Mr. Chairman and members of the committee, the section that would be stricken from the bill is on page 2. This is the section where the U.S. quota is increased by 1,705,000,000 special drawing rights, which is, in dollars, about $2 billion. This bill represents a 33.6 percent increase in the IMF assets or the amount of funds that might be drawn by other countries.

The reason this increase in IMF assets is absolutely necessary is, of course, that our world economic problems have become greater. We have had problems in our economy because of the 400-percent increase in the cost of petroleum and the recent recession; therefore, it is necessary that we increase the quotas of the IMF across the board.

The U.S. percentage actually goes down because much of the new increase in the IMF assets comes from the oil exporting countries. So the current U.S. quota in the IMF, while higher in absolute terms, is a smaller percentage of the whole than existed before.

This is not a budget expenditure. Sometimes I wish everyone would take accounting I and find out that accounts receivable is different from an expenditure. What we do is to make available approximately $2 billion to the International Monetary Fund. We do this by giving the IMF a letter of credit for the value of the quota. If the IMF then draws on that letter of credit, and draws dollars, what the U.S. receives is an automatic draw on any hard currency that we might choose.

Mr. Chairman, let me give an example. Let us say the IMF draws down $200 million. We then have an automatic draw with the International Monetary Fund of $200 million in hard currency. Let us say that during a certain quarter we find that we have a negative value of payments with Germany; then we could go to the Fund and, for balance-of-payment purposes, draw down $200 million in deutsche marks in order to balance our account.

So we can see that this is not an expenditure. There is no reason for it to go in the budget, because it is not an expenditure; it is an asset. It is an asset that is called an account receivable. That is exactly what it is. There is no loss to the Government, nor to the Federal Treasury.

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

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

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding.

Does the gentleman recall a time when we have ever recalled those assets?

Mr. REES. Mr. Chairman, would the gentleman repeat his question, please?

Mr. ROUSSELOT. Does the gentleman remember any time when we have ever recalled—and let me put this in quotes—"those assets" from the International Monetary Fund?

Mr. REES. No, because we did not have a need to call back assets from the International Monetary Fund.

Mr. ROUSSELOT. The point is that we do not intend to call these assets back. To try to say this is just an exchange of assets is, I think, misleading. We certainly do not have a hold on them for the future.

We would not be able to recall any of our gold assets that we contributed to the Fund. So I think it is misleading to say that it is just an exchange of assets.

Mr. REES. Mr. Chairman, if the gentleman will give some of my time back to me, let me say that this is an exchange of assets. One could say that we might never call the assets back, but I think any Secretary of the Treasury—who felt we had to call back hard currency to take care of a balance-of-payments deficit—would call back hard currency to make up a balance-of-payments deficit. This is the purpose of the International Monetary Fund: To seek to balance out the irregularities in the system.

Mr. Chairman, I think it would be an absolute disaster if this amendment were agreed to. There would be absolutely no increase in the fund, and I think that would be terribly, terribly bad for the position of the United States.

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

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

Mr. REUSS. Mr. Chairman, I agree thoroughly with the gentleman's position. This amendment should be voted down.

I wish to stress the fact that the leading element in our modest recovery economically in this country during the last few months has been our rather fine export performance. I can think of no quicker way to ruin our exports and plunge this country into a depression than to torpedo the IMF, as this amendment seeks to do.

The fiscal accounting and budgeting question is before our excellent Committee on the Budget. In due time that committee is going to come up with some recommendations across the board. To knock on the head the IMF this afternoon seems to me the best way to throw our economy into a turmoil.

Mr. Chairman, I thoroughly agree with the position of the gentleman from California (Mr. REES).

Mr. REES. Mr. Chairman, I thank the gentleman.

It was decided specifically in 1968 that this definitely was not a budget expenditure, and it was not put in the budget because it was not an expenditure; it was an exchange of assets.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

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

Mr. J. WILLIAM STANTON. Mr. Chairman, the gentleman from California (Mr. REES) has just made a significant statement. In 1968 the President's Com-

mission on Budget Concepts met on this very subject, and, after thorough discussion, it was reported—and this has been concurred in at the present time by our own budgetary people in Congress—that the IMF is a depository in which Treasury funds are kept, subject to the terms of the IMF articles of agreement, and this, therefore, is a payment into the IMF.

So the proposed increase in the quota is not an outlay but an exchange of monetary assets. It is considered under the budget concept as an investment outlay, just as deposits in the bank are so considered.

Mr. J. WILLIAM STANTON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, this increase that we are asked to give to the IMF on behalf of the United States has come about basically for historical reasons.

Every 6 years in the last 30, under the law, the IMF Board of Governors review their assets. In reality, they come up at this time to a 33-plus percentage increase.

Mr. Chairman, when we consider the fact twofold, No. 1, that the total trade around the world has tripled since 1970, when we consider that the oil companies at the present time—and by the way, their quotas are going to be double—contributed very little during that time, when we consider the important fact that judgments were made that despite the small decreases we will have in the total amount of assets within the fund that were protected, once again, by this 85 percent necessary to fund all important ventures, and that our position with respect to veto has been protected, Mr. Chairman, I think it is certainly in the best interest of the United States to accept the agreements as they were worked out.

Therefore, Mr. Chairman, I rise in strong opposition to the impending amendment.

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

The amendment was rejected.

COMMITTEE AMENDMENT

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

The Clerk read as follows:

Committee amendment: Page 2, after line 4, insert the following: SEC. 2. Section 3 of the Bretton Woods Agreement Act (22 U.S.C. 286a) shall be amended as follows:

(1) section 3(c) shall be amended to read as follows:

"(c) Should the provisions of Schedule D of the Articles of Agreement of the Fund apply, the Governor of the Fund shall also serve as councillor, shall designate an alternate for the councillor, and may designate associates.";

(2) a new section 3(d) shall be added to read as follows:

"(d) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor, executive director, councillor, alternate, or associate.".

The committee amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. The first sentence of section 5 of the Bretton Woods Agreements Act (22 U.S.C. 286c) is amended to read as follows: "Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2(a), of the Articles of Agreement of the Fund; (b) propose a par value for the United States dollar under paragraph 2 or paragraph 10 of schedule C of the Articles of Agreement of the Fund; (c) propose any change in the par value of the United States dollar under paragraph 6 of schedule C of the Articles of Agreement of the Fund, or approve any general change in par values under paragraph 11 of schedule C; (d) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (e) accept any amendment under article XXVIII of the Articles of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; (f) make any loan to the Fund or the Bank.".

SEC. 3. The Special Drawing Rights Act (22 U.S.C. 286n–r) is amended by:

(1) deleting "article XXIV" in section 3(a) and inserting in lieu thereof "article XVIII";

(2) deleting "article XXVI, article XXX, and article XXXI" in section 3(b), wherever it appears, and inserting in lieu thereof "article XX, article XXIV, and article XXV";

(3) deleting "article XXIV" in section 6 and inserting in lieu thereof "article XVIII";

(4) deleting "article XXVII(b)" in section 7 and inserting in lieu thereof "article XXI (b)".

SEC. 4. Section 2 of the Par Value Modification Act (31 U.S.C. 449) is hereby repealed.

SEC. 5. Section 14(c) of the Gold Reserve Act of 1934 (31 U.S.C. 405b) is amended to read as follows: "The Secretary of the Treasury is authorized to issue gold certificates in such form and in such denominations as he may determine, against any gold held by the United States Treasury. The amount of gold certificates issued and outstanding shall at no time exceed the value, at the legal standard provided in section 2 of the Par Value Modification Act (31 U.S.C. 449) on the date of enactment of this amendment, of the gold so held against gold certificates.".

SEC. 6. The amendments made by sections 2, 3, and 4, of this Act shall become effective upon entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31–4 of the Board of Governors of the Fund.

Mr. J. WILLIAM STANTON (during the reading). Mr. Chairman, by agreement with the gentleman from California (Mr. REES), 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 pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMITTEE AMENDMENTS

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

The Clerk read as follows:

Committee amendment: Page 2, line 4, strike out "SEC. 2" and insert "SEC. 3".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 2, beginning in line 11, strike out "paragraph 2" and insert "paragraph 2, paragraph 4,".

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 2, line 22, strike out "Bank." and insert in lieu thereof the following: Bank; (g) approve the establishment of any additional trust fund, for the special benefit of a single member, or of a particular segment of the membership, of the Fund."

The committee amendment was agreed to.

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

The Clerk read as follows:

Committee amendment: Page 3, line 17, insert:

SEC. 4. The first sentence of section 17 (a) of the Bretton Woods Agreements Act (22 U.S.C. 286e–2(a)) is amended to read as follows: "In order to carry out the purposes of the decision of January 5, 1962, of the Executive Directors of the International Monetary Fund, the Secretary of the Treasury is authorized to make loans, not to exceed $2,000,000,000 outstanding at any one time, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund.".

The committee amendment was agreed to.

The CHAIRMAN pro tempore (Mr. DANIELSON). The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments: page 2, line 23, strike out "SEC. 3" and insert "SEC. 5".

Page 3, line 11, strike out "SEC. 4" and insert "SEC. 6".

Page 3, after line 12, insert the following:

SEC. 7. Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended to read as follows:

"SEC. 10. (a) The Secretary of the Treasury, with the approval of the President, directly or through such agencies as he may designate, is authorized, for the account of the fund established in this section, to deal in gold and foreign exchange and such other instruments of credit and securities as he may deem necessary to and consistent with the United States obligations in the International Monetary Fund. The Secretary of the Treasury shall annually make a report on the operations of the fund to the President and to the Congress.".

Page 3, line 13, strike out "SEC. 5" and insert "SEC. 8".

Page 3, line 23, strike out "SEC. 6" and insert "SEC. 9".

Page 3, line 23, strike out "and 4," and insert "4, 5, 6, and 7".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. PAUL

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

The clerk read as follows:

Amendment offered by Mr. PAUL: On page 5, add the following new section:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States alienate any gold to any trust fund established by the Board of Governors of the International Monetary Fund, or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution."

Mr. REES. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. REES) reserves a point of order on the amendment.

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

Mr. PAUL. Mr. Chairman, the International Monetary Fund is at a major turning point. It is being transformed into a new foreign aid agency which will be run by the same highly paid bureaucrats who failed to establish international currency stability. The asset to be used in this multi-billion dollar giveaway is the IMF's stock of gold. This gold is quietly being repatriated to each nation's treasury, including our own, at the ridiculous, though official, price of $42.22 per ounce. On the same day that each nation buys back the gold it first contributed to the IMF, each treasury then sells the gold to the IMF's trust fund at the official price. This secret transaction is not recorded publicly, and practically nobody realizes how it works. The IMF cannot legally sell its gold for any price other than $42.22 per ounce, so it has enlisted the cooperation of Secretary Simon and other Western treasury officials to get the IMF's gold into the accounts of the IMF trust fund, an agency which would not otherwise be entitled to gain access to IMF gold.

Why should the U.S. Treasury cooperate in this secret operation? Why should not the Treasury get the benefits of selling the gold at a profit on the free market? Given the size of the budget deficit, the Treasury can use all the profits it can get. Why is Secretary Simon pulling an end-run around Congress, trying to help the IMF sell off its gold prior to the ratification of the amendments to the IMF Articles of Agreement? This collusion between the various treasuries and the IMF appears to be nothing more than an easy way to escape detection by voters and legislators of the major Western powers.

This sale of gold is illegal by IMF rules. Only by sneaking around its own rules and gaining the secret cooperation of the various treasury officials could the IMF have pulled off the transfer of its gold from the scarce currency replenishment fund into the foreign aid trust fund. Why should the treasuries cooperate by providing the new trust fund with millions of dollars to be used to loan Uganda money at one-half of 1 percent per annum? And how will defaulting nations be compelled to repay? After all, as Secretary Simon's letter of July 20 to me indicates, the IMF's Executive Board is well aware that France has bought a ton of gold from the Bank for International Settlements at the free market price, an action strictly prohibited, Mr. Simon tells us, by the rules of the IMF. Yet the Executive Board and the membership have "not felt it appropriate" to apply sanctions against France's actions. How can anyone take seriously the promised sanctions to be imposed on those nations that refuse to pay the trust fund loans?

Congress should not condone this IMF trickery by passing this bill. If Mr. Simon wants to sell our gold, let him get top dollar. Let us not buy gold from the IMF at $42 and just turn around the same day to sell it to the IMF's trust fund at $42. Let Mr. Simon buy back the gold at $42 and add it to this Nation's stock of gold. This international monetary chicanery ought to be called to a halt by Congress. And the best way to do that is to add the language prohibiting the sale of gold by an agent of the United States to any international organization or governmental institution without prior congressional approval.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California desire to be heard on his point of order?

Mr. REES. Yes, Mr. Chairman, I would like to be heard on my point of order.

The legislation before us is to provide for amendment of the Bretton Woods Agreements Act and only the Bretton Woods Agreements Act, and only those things in the U.S. statute that are directly thereto attached to the purpose of the Bretton Woods Agreements Act. This amendment is not limited to the International Monetary Fund because there is the language at about page 5 of the amendment, "or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution."

It goes about 5 miles beyond the Bretton Woods Agreements Act. Mr. Chairman, I submit that the amendment is not germane.

The CHAIRMAN. Does the gentleman from Texas wish to be heard in response to the point of order?

Mr. ROUSSELOT. Mr. Chairman, I would like to be heard.

Mr. Chairman, on page 18, Article 5, Section 12, of the Jamaican Agreements, which is something which we are partially ratifying with this legislation, it does refer to this special trust fund.

On page 18 of the communication sent to us from the Secretary of State it refers to this special trust fund and the conditions under which our governor and others will be expected to abide, and it is very much a part of what we are ratifying.

So I believe that it can be shown, because we are ratifying the Jamaica Agreements with this legislation, that in fact we are speaking and the gentleman from Texas is speaking to this issue and he wishes to put conditions on our Governor in this International Monetary Fund.

The CHAIRMAN. Does the gentleman from California wish to be heard further on the point of order?

Mr. REES. Only to this extent, that I reiterate what I said before, that the amendment goes beyond the Bretton Woods Agreements Act and is therefore nongermane.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from California makes the point of order that the amendment offered by the gentleman from Texas (Mr. PAUL) is not germane to the bill H.R. 13955.

The bill has as its major purpose the ratification of proposed amendments to the International Monetary Fund Articles of Agreement, and to consent to an increase in the quota of the United States in the International Monetary Fund.

The amendment would prohibit the President or the Secretary of the Treasury from alienating or selling any gold to any trust fund established by the IMF or to any other international organization or its agents, or to any person or organization acting as a purchaser on behalf of any central bank or governmental institution, unless Congress authorizes such action by law.

While the Chair is not completely aware of the impact which the gentleman's amendment would have on international organizations other than the International Monetary Fund, it is apparent from the text of the amendment that it is far more comprehensive in scope than the bill to which offered. Since the amendment is not limited by its terms as a restriction upon U.S. authority to alienate gold to the IMF, the Chair holds that the amendment is not germane to H.R. 13955 and sustains the point of order.

Are there further amendments?

AMENDMENT OFFERED BY MR. PAUL

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

The Clerk read as follows:

Amendment offered by Mr. PAUL: On page 5, add the following new section:

"Notwithstanding any other provision of law, the Secretary of the Treasury, in his capacity as a Governor of the International Monetary Fund, shall report the names and addresses of the purchasers of gold sold or otherwise alienated by the International Monetary Fund or any Trust Fund established by the International Monetary Fund, together with the amounts purchased and prices paid by each purchaser, to the Congress within five (5) days of such sale."

Mr. PAUL. Mr. Chairman, on July 12, I sent a letter to Secretary William Simon, informing him that reports of illegal gold purchases from the IMF Trust Fund reached my office, and requesting him, in the interest of replacing rumor with truth, to release the names of the purchasers in the IMF gold auctions.

On July 23, I received a reply from Secretary Simon. Under unanimous consent which I shall ask in the House, I include here the texts of my letter and his reply:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 12, 1976.

Secretary WILLIAM E. SIMON,
Department of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: When the International Monetary Fund Trust Fund offered 780,000 ounces of gold for sale on June 2, it

was decided that the identity of the purchasers of the gold would be kept secret.

Recently, however, disturbing news reports have reached my office that certain central banks—which are legally barred from purchasing the I.M.F. gold—did actually purchase some gold in the June 2 auction. In most cases, the purchases were laundered, according to the information I have received, but the transactions could still be traced.

Before I make my list public I would like you to clarify this matter. I would appreciate it very much if you, as a Governor of the International Monetary Fund, could send me a complete list of the gold purchasers as soon as possible. The possibility that there was some illegal trading done cannot be investigated unless the names of the purchasers are made public. When transactions of this magnitude occur involving public funds, it is essential that the public be aware of the identity of the parties to the transactions.

Sincerely,

RON PAUL,
Member of Congress.

SECRETARY OF THE TREASURY,
Washington, D.C., July 20, 1976.

Hon. RON PAUL,
House of Representatives.
Washington, D.C.

DEAR CONGRESSMAN PAUL: Your letter of July 12 raised the question whether central banks of IMF members bid in the June 2 auction of IMF gold.

One of the express terms and conditions of that auction was that no bids would be submitted by IMF members or their agents. Following the auction, we received assurances from the Managing Director of the IMF that, to the best of the IMF's knowledge, all terms and conditions had been fully met by all successful bidders—that is, that there had been no sales by the Fund to IMF members or their agents. All bidders attested to the fact that they were bidding in accordance with the terms and conditions of the auction. U.S. representatives in the IMF have examined the list of bidders and no IMF member government is included.

One IMF member—France—announced on June 8, 1976, the purchase of one ton of gold "through the intermediary of the Bank for International Settlements". That statement should not be taken to mean that the BIS had bid for gold in the auction otherwise than as principal. There is, of course, nothing to prevent a legitimate purchaser of IMF gold or any other gold from reselling to others gold which it owns and to which it has full legal title. Thus, a resale of gold bought by the BIS in the IMF auction as principal would not violate the rules governing the IMF gold auction.

It would in our view contravene the present IMF articles—Article IV, Section 2—for an IMF member to buy gold from *any* source at above the official price of SDR 35 an ounce (approximately $42) plus a small margin. That, in our opinion, is the legal position whether such gold were bought in the market or in some other way.

It should be noted, however, that some IMF members take a different view of the current legal effectiveness of Article IV, Section 2. Since other critical provisions of Article IV are no longer operable—most importantly, the par value provisions of the Article—some take the view that the inoperability also covers the prohibition against official gold purchases at prices above the official price. The purchase of gold by France has been drawn to the attention of the IMF Executive Board. The IMF membership, in the circumstances, has not felt it appropriate that a member which had bought gold at above the official price should have applied to it the sanctions available to the Fund—denial of access to IMF resources or compulsory withdrawal from the Fund.

The IMF has not released the names of bidders in the gold auction. This decision was taken by the IMF Executive Board, which represents the full IMF membership. The reason for the decision was that private dealers in the gold market contended that release of the names of individual bidders could substantially discourage private bidders and thus yield a smaller return for the IMF gold sold. It was also pointed out that in auctions, for example, of Treasury bills in many countries (including the U.S.) names of bidders typically are not released.

With best regards,

Sincerely yours,

WILLIAM E. SIMON.

Mr. Chairman, there are several things about the Secretary's letter that I would like to call to the attention of my colleagues. First, although my letter to him explicitly requested the names of the gold purchasers and did not mention the names of the bidders, Secretary Simon understood my letter to have "raised the question whether central banks of IMF members bid in the June 2 auction of IMF gold." How Secretary Simon confused bidders with purchasers is not apparent to me, but it is very convenient for him, since it enables him to compare the IMF's policy of secrecy to that of the U.S. Treasury. The two are not comparable, however. For example, there are thousands of purchasers of Treasury bills, but according to the Treasury's own reports, there were only 20 purchasers at the June 2 gold auction, and 17 at the July 14 auction. At both the auctions 780,000 ounces were sold at prices averaging about $125 the ounce. That comes out to $195 million put up by 37 purchasers—an average of $5.3 million per purchase. Certainly, there could be no practical problem in reporting so few transactions of such magnitude.

The second thing that needs to be emphasized is that despite the fact that, as Secretary Simon says, the IMF believed that all purchasers were proper and legal, France, using the Bank of International Settlements as an intermediary, bought one ton of gold. Secretary Simon says that such an action would "contravene the present IMF articles—article IV, section 2." Yet, such a violation of the IMF rules, according to Secretary Simon, does not warrant imposition of any sanctions against the French Government. This illustrates a point I had made earlier: the lawlessness of the IMF. The Library of Congress has concluded that the gold sales are probably illegal; Secretary Simon had admitted that in at least one instance the gold was illegally purchased, and yet we are told that the IMF is a trustworthy organization deserving of our continued and increased support.

The only way in which the very serious doubts about the integrity of the IMF can be removed—apart from a complete U.S. withdrawal from the IMF—is to require the U.S. representatives to the IMF to report to the Congress the names, addresses, amount of gold purchased, and price paid, of all the purchasers of gold sold by the IMF or any of its trust funds or subsidiary organizations. Secretary Simon's letter alone is sufficient reason to require this reporting procedure, for it indicates that taking the word of the IMF that there is no illegality involved is not quite good enough.

Mr. Chairman, I believe in this age when the legislative bodies and the elected officials in this Congress cannot be taken seriously, and there is such a loss of public confidence, I cannot see why this simple little request to just open up the books and letting us know if the international banks are buying the gold or whether or not certain banks in this country are buying it. It seems to me that little bit of information cannot hurt anybody. I do not know why anybody would go to the trouble of insisting that this remain completely secret.

Mr. REUSS. Mr. Chairman, I shall be very brief. I oppose the amendment.

Mr. Chairman, if this Congress has done one useful thing, and I think it has done many, it has been in the effort here to cut down on unnecessary paperwork. Here we have a most unfortunate amendment and no constructive purpose for it that I can see. This would impose on the Secretary of the Treasury the burden of compiling the names and addresses of every one of the heaven-knows-how-many purchasers of gold from the IMF and sending them within 5 days of such sales to the Congress. They would arrive at the Speaker's desk. I can imagine what the Speaker would do. He would send them to the long-suffering House Committee on Banking and Currency.

I can assure the Members that we have enough inundation of paperwork as it is, so the tendency ought to be to get away from bureaucratic redtape, to get away from proliferating paperwork, instead of adding more on; so I hope the amendment, which serves no useful purpose, will be voted down.

If people want to buy the gold of the IMF, so much the better. That is great. Why subject them to harassment by requiring that the Secretary of the Treasury report on them within 5 days in writing to the Congress.

Mr. J. WILLIAM STANTON. Mr. Chairman, will the gentleman yield?

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

Mr. J. WILLIAM STANTON. Mr. Chairman, I just want to quickly add that this subject came up this morning in the full Committee on Banking and Currency. The chairman of the Federal Reserve Board, Arthur Burns, at that time suggested to one of our colleagues on the other side, the gentleman from Texas (Mr. GONZALEZ), that the Board will really watch this closely, that once a month they are in Switzerland reviewing who is buying and that Governor Wallich of the Federal Reserve Board is watching this closely.

I would suggest to the gentleman from Texas (Mr. GONZALEZ) and to the gentleman from Texas (Mr. PAUL), considering who they are and where this is going with the chairman, to take up on his suggestion, have these meetings and sit down with Mr. Wallich.

Second, there has been nothing kept secret. We have organizations in our own country that deal with these things.

Mr. REUSS. Mr. Chairman, I thank the gentleman from Ohio for his statement. The gentleman has hit the nail on the head. I think we can have absolute confidence that the Federal Reserve Board will do a competent job and not inundate us in the process.

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

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

Mr. PAUL. Mr. Chairman, I would like to make the point that when we were talking to Dr. Burns this morning, he was totally unaware of the ton of gold France picked up after the sale.

Mr. REUSS. That is why he suggested that his international money man, Governor Wallich, was the man to see. I would be the first to say that Chairman Burns has to spread himself over the entire field of Federal Reserve duties at home and abroad, but anytime the gentleman has a specific question, I know that Gov. Henry Wallich will be delighted to answer him. I merely hope that the gentleman will not press his amendment.

Mr. PAUL. But the point is that they are doing this and not following the rules.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words. I would like to speak in opposition to the amendment.

One of the problems we have is that since we now have floating rates—and floating rates are a contradiction to the articles of IMF—some members of the Fund claim that they do not have to follow any article of the IMF agreement if every nation violates the article establishing fixed rates. So, unless we get this bill through and unless these articles are reaffirmed, it means that we have very little discipline over what might be done at a gold sale or at any other transaction of the IMF.

A sale of gold to a central bank which is a member of the IMF is illegal under article IV, section 2 of the IMF agreement; but this is in a gray area because we do not have this legislation. This is why we have to have it. There is a reason that sales of Treasury notes, for example, by the Fed on the open market, and also IMF sales of gold, are not made public. This could deter bidders from going into the market. It could cause some speculation. This is the same problem we have with regard to the market for gold. This is the reason the names of those who purchase the gold have not been made public.

The IMF is very aware of any purchases of gold by a central bank. There is still somewhat of an unresolved question as to whether the French did buy. I do not believe they did buy. The French bought from a bank in Basel, Switzerland. The bank for international settlements had previously purchased some gold, and they have gold on their own account. They then sold this gold, which was perfectly legal, to the French. I believe it was something like 1 ton of gold. However, I think it imperative to say that we must have this legislation so that certain rules in the application of international monetary policy may once again exist.

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

Mr. REES. I yield to the gentleman from Idaho.

Mr. SYMMS. Is that not just exactly the reason that the amendment is needed, so that we would know whether the French bought the gold or not?

Mr. REES. No, we know if the French bought gold or not. The French did not buy gold at any of the two IMF auctions that have gone on. We know that. Secretary Simon knows that.

Mr. SIMON. Is this gold just going in the hands of the central banks in Europe, and in a year or two, after they have control, we will hear the gold psychology in reverse?

Mr. REES. Any central bank can do anything it wants. If it wants to trade in tinned sardines, it can trade in tinned sardines. The articles say that the banks cannot purchase gold from IMF, but in South Africa, for instance, they can buy anywhere, and there are a number of banks which so purchase.

Mr. SYMMS. Would it not be nice if the American taxpayer realizes where this gold is going so that at some time in the future he will know that he has been had?

Mr. REES. The taxpayers know an important thing: that they are getting top dollar for the gold. If we had fewer bidders, I suspect we would not be getting top dollar.

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

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

Mr. PAUL. I think the gentleman is incorrect in saying that the central banks can do anything they want with gold. In the letter from Mr. Simon, he states:

> It would in our view contravene the present IMF articles—Article IV, Section 2—for an IMF member to buy gold from any source at above the official price of SDR 35 an ounce (approximately $42) plus a small margin. That, in our opinion, is the legal position whether such gold were bought in the market or in some other way.

That is illegal. He quotes it in his letter. This is sort of ironic, the fact that gold is going back to the central banks. Here we are contributing to it. It should be the people who want to demonetize gold who should be up here arguing this.

Mr. REES. The gentleman is on my time. The French franc is at about the lowest place it has been for years.

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

Mr. Chairman, I would like to read for my colleagues this simple amendment. It reads as follows:

> Notwithstanding any other provision of law, the Secretary of the Treasury, in his capacity as a Governor of the International Monetary Fund, shall report the names and addresses of the purchasers of gold sold or otherwise alienated by the International Monetary Fund or any Trust Fund established by the International Monetary Fund, together with the amounts purchased and prices paid by each purchaser, to the Congress within five (5) days of such sale.

There has been a tremendous amount of discussion in this Congress about Government in the sunshine. This amendment merely calls for the normal reporting procedure to the Congress of the United States.

Congress has allowed this fund to control and to dispose of substantial amounts of our gold.

My colleague says it is merely an exchange of assets from our Treasury to this fund.

What is wrong with reporting the parties to whom those sales are made? Why is there such great harm in the Congress knowing where these sales are made? Why are we afraid to know?

This is a simple amendment of accountability. I find it almost unbelievable for my colleague from California who is a substantial advocate of Government in the sunshine, to resist an amendment that reports back to the Congress where those sales are being made.

Why is it so damaging for this Congress, for the Banking Committees of both of our bodies, to know where sales are made? What is so harmful about that? We are contributing to the IMF. We are being asked to expose our Treasury to the extent of almost $2 billion under this bill. Why are we so afraid to know where the gold sales of this international organization to which we contribute are going to be made?

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

Mr. ROUSSELOT. I will now be delighted to yield to my colleague from California (Mr. REES), who I know is a great advocate of Government in the sunshine.

Mr. REES. Mr. Chairman, I appreciate that. I understand the Government in the sunshine bill is coming up next week. How does the gentleman plan to vote for it?

Mr. ROUSSELOT. I probably will vote for it.

Mr. REES. The gentleman thinks he will?

Mr. ROUSSELOT. I appreciate the gentleman's bringing that up. And I now assume that my colleague will support this amendment. Is the gentleman going to support that sunshine bill?

Mr. REES. I am not sure. I am not quite sure. I might support an amendment to the bill which will restrict it somewhat, in terms of confidential information, because I think some information should not be made public when it will disrupt.

Mr. ROUSSELOT. Information should not be made public?

Mr. REES. Yes. Would the gentleman like Treasury bills, and all of these, that disrupt?

Mr. ROUSSELOT. Is my colleague for Government in the sunshine or against it?

Mr. REES. I think there are a lot of grays, and I think some people here do not think in grays.

Mr. ROUSSELOT. I do not believe that this amendment does harm to the International Monetary Fund. It is merely an attempt on our part to ask for accountability. I think it is a worthwhile amendment. I believe my colleague, who sits on the Banking, Currency, and Hous-

ing Committee, the gentleman from Texas (Mr. PAUL), is making a worthy contribution by giving us an opportunity to vote for this Government in the sunshine amendment.

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

Mr. ROUSSELOT. I yield to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I am unequivocally for Government in the sunshine. This amendment has nothing to do with Government in the sunshine. The Congress can get the information it wants and the public can get the information it wants. They do not require that the Secretary of the Treasury engage in a lot of busy work and make reports every 5 days on who has been buying this gold.

So I hope the amendment will be voted down.

Mr. ROUSSELOT. Mr. Chairman, if I may get back some of my time, let me say briefly that I do not think this is a frivolous activity when we are under this bill authorizing a potential exposure of $2 billion from our Treasury. I urge my colleagues to support the amendment.

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

The question was taken; and on a division (demanded by Mr. PAUL) there were—ayes 11, noes 35.

Mr. PAUL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count. Eighty-nine Members are present, not a quorum.

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

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

The pending business is the demand of the gentleman from Texas (Mr. PAUL) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

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

Mr. Chairman, it is with considerable concern that I rise to discuss H.R. 13955, the Bretton Woods Agreements Act Amendments. The major provisions of this bill ratify actions which have already been taken by the International Monetary Fund to phase gold out of the international monetary system and to establish a new "reserve asset" called the "Special Drawing Right,"—SDR, also known as "paper gold," based on a basket of currencies of major trading nations.

The crucial concern with any international monetary system, in my judgment, must be that the system, whether it is based upon gold or SDR's, not become an engine of inflation. The prevention of widespread international inflation requires sustained discipline on the part of central banks and treasuries. Although inflation can be avoided despite the absence of gold as an anchor for the system, if there is the will to do so, other aspects of the recent operations of the IMF give rise to serious doubts that the international monetary authorities will effectively resist the demands to inflate coming primarily from the so-called "lesser developed countries"—LDC's.

As a major product of the agreement reached at the Jamaica and Rambouliet meetings, the leading industrial countries agreed to the establishment of a trust fund with the profits from the sale of one sixth of the IMF's gold at market prices. The major portion of these profits will be available for the provision of special balance of payments assistance to the poorest of the lesser developed countries.

The remainder will be distributed among the LDC's in proportion to their IMF quotas, which will mean that these intermediate LDC's, many of which have substantial natural resources, will not be contributing to the trust fund. An additional one-sixth of the IMF's gold will be restituted to all member nations of the IMF in accordance with their quotas, an action which this Member believes should have been taken with respect to the entire 50 million ounces of gold which the IMF had decided to sell.

There are three major reasons for my objection to the establishment of the trust fund:

First. Concessional Loans. The terms of the loans to be made from the trust fund will be extremely "soft"—a 5-year grace period followed by repayment in 10 semiannual installations, with interest at one-half percent. Thus, the conditions applied to the loans are the same as those applied to the first credit tranche of the IMF, but the interest will be much less than the 4 to 6 percent which the IMF charges in its normal operations. The result will be that LDC's will have less incentive than previously to manage their balance of payments in such a manner as to avoid having to borrow from the fund and that the degree of discipline in the international monetary system will be correspondingly reduced.

Second. Violation of Principle of Uniformity. The establishment of the trust fund for the LDC's violates a fundamental principle of traditional IMF operations, that all nations are to be treated uniformly in their dealings with the IMF. This principle was violated in advance of ratification of amendments to the articles of agreement. The IMF also evaded the charter prohibition against selling gold at other than the official price by creating the trust fund as a conduit for the market sale and as a depository for the proceeds. The willingness of the IMF to flagrantly violate its own charter, most dramatically illustrated in the agreement to float prior to the present charter amendments does not auger well for the maintenance of international monetary discipline.

Third. Lack of Congressional Authorization. The provision of balance of payments assistance to the LDC's on concessional terms, in violation of the principle of uniformity of treatment, constitutes an evasion of the congressional appropriations process. The IMF has contended that since it has title to the gold, it may dispose of it and apply the proceeds to the benefit of a particular group of nations in violation of the uniformity principle established in its charter. It is my contention, however, that if the IMF had determined not to use the gold which we had contributed to provide balance of payment assistance in accordance with its traditional purposes and methods of operation, it should have restituted all of the gold in question so that Congress could determine whether it should be used to provide a form of foreign aid to the lesser developed countries, a determination which would be most unlikely in the present climate and in view of the vast sums that Congress has already committed for foreign aid.

This problem was stated most effectively in testimony by Mr. Fraza B. Wilde, chairman emeritus of Connecticut General Life Insurance Co., when he testified before the Joint Economic Committee:

> Frustration among developing countries over their unstable commodity earnings and over the reluctance of developed countries to appropriate what are believed to be adequate development funds, has caused the developing countries to seek alternatives for bypassing this Congress and other legislative bodies. We deposited a portion of our national savings in the IMF in the form of gold and currencies to contribute to a world transaction and exchange system. The World Bank and the IDA rather than the IMF, were established as development agencies. To transfer and convert the increase in value of assets, which we contributed, from a transaction and exchange system to a foreign aid program by executive agreement seems to bypass the constitutional prerogatives of this Congress to control our domestic monetary system and to appropriate and authorize the spending of our national resources. Our share in that distribution to developing countries would be approximately $500 million, a larger sum than many of the disputed sums before the new Budget Committee. The final determination and appropriation in the case of AID programs should come from Congress. The present project would appear to be a simplified version of finding some money you didn't know you had and giving it to the first charity that seems worthy to you. Foreign aid to me is too big a subject and too important to be treated in any way except by the full legislative process and by careful, very thorough consideration.

It is to prevent this form of "back door" foreign aid from taking place in the future that I offered an amendment, which the committee adopted, which requires that the establishment of any additional trust funds "for the special benefit of a single member, or of a particular

segment of the membership, of the fund" would require congressional authorization. With respect to further disposition of IMF gold, I have sponsored House Joint Resolution 793, which calls upon the Secretary of the Treasury, as U.S. Governor of the IMF, to insist that proceeds of such sale be applied in accordance with the traditional balance-of-payments adjustment purposes of the IMF. The committee report of this bill also contains language calling for congressional consultations concerning further disposition of the remaining 100 million ounces of IMF gold.

In addition to the objections to the trust fund which are discussed above, every Member can find additional objections in the list of 61 countries eligible for trust fund assistance, which includes the notorious General Amin's Uganda; the Communist governments of Laos, Cambodia, and South Vietnam; and a number of other unworthy recipients. The complete list of eligible countries is attached following the conclusion of these remarks.

To summarize, it is my strong belief that a stable international monetary system requires the exercise of a tremendous amount of discipline and probity on the part of the international monetary authorities. Effective participation and oversight by the Congress and by the Secretary of the Treasury, as U.S. Governor of the Fund, will be essential to responsible management of the new system which is ratified by the passage of this legislation.

The list of eligible countries follows:

LIST OF MEMBERS ELIGIBLE FOR TRUST ASSISTANCE

Countries	IMF quota: In millions of SDR's	IMF quota: As percent of total of quotas of eligible members
1. Afghanistan	37	0.984
2. Bangladesh	125	3.325
3. Benin, People's Republic of	13	.346
4. Bolivia	37	.984
5. Botswana	5	.133
6. Burma	60	1.596
7. Burundi	19	.505
8. Cambodia	25	.665
9. Cameroon	35	.931
10. Central African Republic	13	.346
11. Chad	13	.346
12. Congo, People's Republic of	13	.346
13. Egypt	188	5.000
14. El Salvador	35	.931
15. Equatorial Guinea	8	.213
16. Ethiopia	27	.718
17. Gambia	7	.186
18. Ghana	87	2.314
19. Grenada	2	.053
20. Guatemala	36	.957
21. Guinea	24	.638
22. Haiti	19	.505
23. Honduras	25	.665
24. India	940	25.000
25. Indonesia	260	6.915
26. Ivory Coast	52	1.383
27. Jordan	23	.612
28. Kenya	48	1.277
29. Laos	13	.346
30. Lesotho	5	.133
31. Liberia	29	.771
32. Madagascar, Democratic Republic of	26	.692
33. Malawi	15	.399
34. Mali	22	.585
35. Mauritania	13	.346
36. Mauritius	22	.585
37. Morocco	113	3.005
38. Nepal	14	.372
39. Niger	13	.346
40. Nigeria	135	3.590
41. Pakistan	235	6.250
42. Papua New Guinea	20	.532
43. Paraguay	19	.505
44. Philippines	155	4.122
45. Rwanda	19	.505
46. Senegal	34	.904
47. Sierra Leone	25	.665
48. Somalia	19	.505
49. South Vietnam	62	1.649
50. Sri Lanka	98	2.606
51. Sudan	72	1.915
52. Swaziland	8	.213
53. Tanzania	42	1.117
54. Thailand	134	3.564
55. Togo	15	.399
56. Uganda	40	1.064
57. Upper Volta	13	.346
58. Western Samoa	2	.053
59. Yemen Arab Republic	10	.266
60. Yemen, P.D.R.	29	.771
61. Zaire	113	3.005
Total	3,760	100.000

Source: International Monetary Fund.

The CHAIRMAN pro tempore. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DANIELSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13955) to provide for amendment of the Bretton Woods Agreement Act, and for other purposes, pursuant to House Resolution 1394, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

Mr. ROUSSELOT. 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 289, nays 121, not voting 22, as follows:

[Roll No. 549]

YEAS—289

Abzug	Badillo	Boggs
Adams	Baldus	Boland
Addabbo	Baucus	Bolling
Alexander	Beard, R.I.	Bonker
Allen	Bedell	Brademas
Anderson, Calif.	Bell	Breaux
	Bergland	Breckinridge
Anderson, Ill.	Biaggi	Brodhead
Annunzio	Biester	Brooks
Ashley	Bingham	Brown, Calif.
Aspin	Blanchard	Brown, Mich.
AuCoin	Blouin	Brown, Ohio
Buchanan	Holtzman	Pike
Burgener	Horton	Pressler
Burke, Calif.	Howard	Preyer
Burke, Mass.	Howe	Price
Burton, John	Hughes	Pritchard
Burton, Phillip	Hutchinson	Quie
Butler	Hyde	Quillen
Carney	Jarman	Railsback
Carr	Jeffords	Rangel
Carter	Johnson, Calif.	Rees
Cederberg	Johnson, Colo.	Regula
Chisholm	Johnson, Pa.	Reuss
Cleveland	Jones, Ala.	Rhodes
Cohen	Jordan	Richmond
Collins, Ill.	Kastenmeier	Rinaldo
Conable	Keys	Risenhoover
Conte	Koch	Rodino
Corman	Krebs	Roe
Cornell	Krueger	Rogers
Cotter	LaFalce	Roncalio
Coughlin	Leggett	Rooney
D'Amours	Lehman	Rose
Daniels, N.J.	Lent	Rosenthal
Danielson	Levitas	Rostenkowski
Davis	Lloyd, Calif.	Roybal
Delaney	Lloyd, Tenn.	Ruppe
Dellums	Long, La.	Russo
Derrick	Lundine	Ryan
Derwinski	McClory	St Germain
Diggs	McCloskey	Sarasin
Dingell	McCormack	Sarbanes
Dodd	McDade	Scheuer
Downey, N.Y.	McEwen	Schneebeli
Downing, Va.	McFall	Schroeder
Drinan	McHugh	Sebelius
Duncan, Oreg.	McKay	Seiberling
Duncan, Tenn.	McKinney	Sharp
du Pont	Madden	Shriver
Early	Maguire	Shuster
Eckhardt	Mathis	Simon
Edgar	Matsunaga	Sisk
Edwards, Ala.	Mazzoli	Skubitz
Edwards, Calif.	Meeds	Slack
Eilberg	Melcher	Smith, Iowa
Emery	Metcalfe	Solarz
Erlenborn	Meyner	Spellman
Eshleman	Mezvinsky	Staggers
Evans, Colo.	Mikva	Stanton, J. William
Fary	Milford	
Fascell	Miller, Calif.	Stark
Fenwick	Mills	Steed
Findley	Mineta	Steiger, Wis.
Fish	Minish	Stephens
Fisher	Mink	Stokes
Fithian	Mitchell, Md.	Studds
Flood	Mitchell, N.Y.	Talcott
Florio	Moakley	Taylor, N.C.
Foley	Moffett	Thompson
Ford, Mich.	Mollohan	Tsongas
Ford, Tenn.	Moorhead, Pa.	Udall
Forsythe	Morgan	Ullman
Fraser	Mosher	Van Deerlin
Frenzel	Moss	Vander Jagt
Fuqua	Murphy, Ill.	Vander Veen
Giaimo	Murphy, N.Y.	Vanik
Gibbons	Murtha	Vigorito
Ginn	Myers, Pa.	Walsh
Gradison	Neal	Wampler
Green	Nedzi	Waxman
Gude	Nix	Weaver
Hall, Ill.	Nolan	Whalen
Hamilton	Nowak	Wilson, Bob
Hanley	Oberstar	Wilson, C. H.
Hannaford	Obey	Wilson, Tex.
Harkin	O'Brien	Wirth
Harrington	O'Neill	Wolff
Harris	Ottinger	Wright
Hawkins	Patten, N.J.	Wydler
Hayes, Ind.	Patterson, Calif.	Wylie
Hays, Ohio		Yates
Heckler, Mass.	Pattison, N.Y.	Yatron
Heinz	Pepper	Young, Ga.
Henderson	Perkins	Zablocki
Hightower	Pettis	Zeferetti
Hillis	Peyser	
Holland	Pickle	

NAYS—121

Abdnor	Burke, Fla.	Dent
Ambro	Burleson, Tex.	Devine
Andrews, N.C.	Burlison, Mo.	Dickinson
Andrews, N. Dak.	Byron	English
	Chappell	Evans, Ind.
Archer	Clancy	Evins, Tenn.
Armstrong	Clausen, Don H.	Flowers
Ashbrook		Flynt
Bafalis	Clawson, Del	Frey
Bauman	Cochran	Gaydos
Beard, Tenn.	Collins, Tex.	Gilman
Bennett	Conlan	Goldwater
Bevill	Conyers	Gonzalez
Bowen	Crane	Goodling
Brinkley	Daniel, Dan	Grassley
Broomfield	Daniel, R. W.	Guyer
Broyhill	de la Garza	Hagedorn

Haley	Lujan	Santini
Hall, Tex.	McCollister	Satterfield
Hammer-schmidt	McDonald	Schulze
Harsha	Mahon	Shipley
Hechler, W. Va.	Mann	Sikes
Hefner	Martin	Smith, Nebr.
Hicks	Michel	Snyder
Holt	Miller, Ohio	Spence
Hubbard	Montgomery	Sullivan
Hungate	Moore	Symms
Ichord	Moorhead, Calif.	Taylor, Mo.
Jenrette	Mottl	Teague
Jones, N.C.	Myers, Ind.	Thone
Jones, Okla.	Natcher	Thornton
Kasten	Nichols	Traxler
Kazen	Passman	Treen
Kelly	Paul	Waggonner
Kemp	Poage	White
Ketchum	Randall	Whitehurst
Kindness	Roberts	Whitten
Lagomarsino	Robinson	Winn
Latta	Roush	Young, Alaska
Long, Md.	Rousselot	Young, Fla.
Lott	Runnels	Young, Tex.

NOT VOTING—22

Clay	Karth	Steiger, Ariz.
Esch	Landrum	Stratton
Fountain	Litton	Stuckey
Hansen	Madigan	Symington
Hébert	O'Hara	Wiggins
Helstoski	Riegle	
Hinshaw	Stanton, James V.	
Jacobs	Steelman	
Jones, Tenn.		

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Hébert against.

Mr. Clay for, with Mr. Landrum against.

Mr. Madigan for, with Mr. Hansen against.

Until further notice:

Mr. Fountain with Mr. Esch.

Mr. O'Hara with Mr. Jacobs.

Mr. Riegle with Mr. Karth.

Mr. Stratton with Mr. James V. Stanton.

Mr. Stuckey with Mr. Steiger of Arizona.

Mr. Wiggins with Mr. Symington.

Mr. Helstoski with Mr. Steelman.

Mr. SKUBITZ changed his vote from "nay" to "yea."

Mr. BEVILL changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. REES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill (H.R. 13955) just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL MIDNIGHT, AUGUST 2, 1976, TO FILE A REPORT, ALONG WITH ADDITIONAL OR MINORITY VIEWS, ON H.R. 14844

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight, Monday, August 2, 1976, to file a report, along with any additional or minority views, on the bill—H.R. 14844—to revise the estate and gift tax laws of the United States.

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

There was no objection.

PERMISSION FOR COMMITTEE ON JUDICIARY TO FILE REPORT ON H.R. 6684

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight, July 27, 1976, to file a report on H.R. 6684 to amend the Federal Trade Commission Act to provide that exclusive territorial arrangements used in the distribution or sale of a trademarked soft drink product or a trademarked private label food product shall not be deemed unlawful per se.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION (FOSSIL FUELS) OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET DURING 5-MINUTE RULE ON TOMORROW MORNING

Mr. HECHLER of West Virginia. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research, Development, and Demonstration (Fossil Fuels) of the Committee on Science and Technology be permitted to meet during the 5-minute rule tomorrow morning, Wednesday, July 28, 1976.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will there be no markup?

Mr. HECHLER of West Virginia. This is merely to receive testimony. There will be no markup during this session.

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

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

There was no objection.

CONFERENCE REPORT ON H.R. 14233, HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATION BILL, FISCAL YEAR 1977

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 14233) 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, 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 Massachusetts?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 22, 1976.)

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

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

There was no objection.

The SPEAKER. The gentleman from Massachusetts (Mr. BOLAND) is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, we bring back to the House today the conference report on the HUD-independent agencies appropriation bill for 1977. The conferees on this bill were faced with some very tough issues—but I am pleased to report that we have resolved all the differences.

Of course, we did not prevail on every point. The essence of a conference meeting is compromise. The conference report is no exception to that fact of life. We reached a reasonable accommodation with the Senate on a number of issues. There was give and take—on both sides—but I believe we have brought back a good bill.

The total amount of this conference report is $43,284,615,000.

The House passed this bill on June 22 with a total of $42,982,730,000.

The Senate passed the bill on June 26 and approved a total of $43,336,200,000.

The conferees have brought back a report that is $2,021,583,000 under the budget request. The total budget requests for the bill amounted to $45,306,198,000.

The conference total is also $9,920,-525,000 below the comparable amount of new obligational authority provided for the agencies and departments in the 1976 bill.

Turning to specifics, the conference agreement has approved $19,292,135,000 for the Department of Housing and Urban Development. We are recommending that $675 million of new annual contract authority and $14,800,000,000 of new budget authority be made available for HUD's subsidized housing programs. We have earmarked $120,000,000 of the contract authority for the low-income public housing program—including $85,000,000 for new public housing construction. The remaining contract authority will provide continued support for the new section 8 subsidized housing concept.

In two other major program areas, the conferees agreed on $62,500,000 for the section 701 comprehensive planning program and $50,000,000 for the popular section 312 rehabilitation loan program.

Mr. Speaker, one of the toughest issues faced by the conferees was what level of funding should be provided for the National Science Foundation. The House approved $750,000,000 for this Agency in 1977—a reduction of $52,000,000 below the budget. The Senate restored the Foundation to the full budget request of $802,000,000. The conferees have settled on a total of $773,600,000 for support of the National Science Foundation in 1977.

While this amount obviously represents a compromise, I want to stress that a careful examination of the facts firmly supports the committee's position reduc-

ing basic research by $56,000,000 below the budget request. We know the Foundation has been experiencing management problems. Indications are that these shortcomings have not been fully cleared up, but it is seeking to do so. Although this conference agreement provides a substantial increase of $58,350,000 above the level made available in 1976, I want the House to know that the subcommittee I chair will continue to look long and carefully at how the funds are used.

The bill also includes $973,405,000 for the Environmental Protection Agency—which is $243,913,000 above the budget request; $39,000,000 for the Consumer Product Safety Commission; and $18,386,171,000 for the Veterans' Administration.

Finally, the conference agreement includes $3,692,515,000 for the various programs of the National Aeronautics and Space Administration. While we can and should continue to be critical of how NASA spends a very substantial amount of money, I believe that few government programs have been as successfully implemented as the space program. Last week we had another illustration of that fact when the Viking mission successfully landed on the planet Mars.

Think of it. Viking was launched last August 20 from Cape Kennedy, and 11 months later and 213,000,000 miles away from Earth it landed flawlessly less than a few miles from the spot ultimately chosen by NASA controllers.

The quality of the pictures sent back is literally unbelievable. If you have not seen them yet, you should make it a point to take a look at them. I can assure you that you will not see any trees or bushes—but that does not make the photographs any less remarkable. Whether we find life on Mars or not, Viking is the latest of a long line of NASA successes that are an invaluable asset to this country. Why? Because Viking lets the world know that this Nation, operating in an open society, can still put it all together, and come up with technological miracles of which we can be justifiably proud.

I offer my congratulations and heartfelt thanks to all the people at NASA and throughout the country in the private and public sector that made this possible.

Mr. Speaker, and I will include in my remarks a table showing the action taken on each item, the comparison with 1976, and the actions of both House and Senate:

COMPARATIVE STATEMENT OF THE NEW BUDGET (OBLIGATIONAL) AUTHORITY, HUD—INDEPENDENT AGENCIES APPROPRIATION BILL, 1977 (H.R. 14233)

[Note.—All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1976	Budget estimates of new budget (obligational) authority, fiscal year 1977	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1976	Conference action compared with— Budget estimates of new budget (obligational) authority, fiscal year 1977	Conference action compared with— House bill	Conference action compared with— Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
HOUSING PROGRAMS									
Annual contributions for assisted housing (contract authority)	$17,000,000,000	$16,572,900,000	$14,608,390,000	$14,870,400,000	$14,870,400,000	−$2,129,600,000	−$1,702,500,000	+$262,010,000	
Increased limitation for annual contract authority	(662,300,000)	(850,000,000)	(675,000,000	(615,400,000)	(675,000,000)	(+12,700,000)	(−175,000,000)		(+$59,600,000)
Housing for the elderly or handicapped (limitation on loans)	(750,000,000)	(375,000,000)	(750,000,000)	(750,000,000)	(750,000,000)		(+375,000,000)		
Housing payments (appropriation to liquidate contract authority)	(2,245,000,000)	(3,070,000,000)	(2,975,000,000)	(2,975,000,000)	(2,975,000,000)	(+730,000,000)	(−95,000,000)		
Payments for operation of low-income housing projects (contract authority)	535,000,000	463,600,000	575,600,000	575,600,000	575,600,000	+40,600,000	+112,000,000		
Appropriation to liquidate contract authority	(535,000,000)	(463,600,000)	(575,600,000)	(575,600,000)	(575,600,000)	(+40,600,000)	(+112,000,000)		
Mobile home standards program	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Federal Housing Administration Fund	147,500,000	825,698,000	135,000,000	135,000,000	135,000,000	−12,500,000	−690,698,000		
Housing counseling assistance			5,000,000		3,000,000	+3,000,000	+3,000,000	−2,000,000	+3,000,000
Salaries and expenses, housing programs	41,316,000					−41,316,000			
By transfer, FHA funds	(163,503,000)					(−163,503,000)			
Emergency homeowners relief fund	35,000,000					−35,000,000			
State housing finance and development agencies (contract authority)	600,000,000					−600,000,000			
Limitation for annual contract authority	(15,000,000)					(−15,000,000)			
Appropriation to liquidate contract authority	(15,000,000)					(−15,000,000)			
Rent supplement program (contract authority)	800,000,000					−800,000,000			
Increased limitation for annual contract authority	(20,000,000)					(−20,000,000)			
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION									
Payment of participation sales insufficiencies	20,935,000	21,265,000	21,265,000	21,265,000	21,265,000	+330,000			
Emergency mortgage purchase assistance (borrowing authority)	5,000,000,000					−5,000,000,000			
Total, Housing Programs	24,180,751,000	17,884,463,000	15,346,255,000	15,603,265,000	15,606,265,000	−8,574,486,000	−2,278,198,000	+260,010,000	+3,000,000
COMMUNITY PLANNING AND DEVELOPMENT									
Community development grants	102,000,000	100,000,000	200,000,000	100,000,000	100,000,000	−2,000,000		−100,000,000	
Contract authority	1,736,000,000	3,148,000,000	3,048,000,000	3,148,000,000	3,148,000,000	+1,412,000,000		+100,000,000	
By transfer from the college housing loan fund (borrowing authority)	(964,000,000)					(−964,000,000)			
Appropriation to liquidate contract authority	(2,700,000,000)	(3,148,000,000)	(3,048,000,000)	(3,148,000,000)	(3,148,000,000)	(+448,000,000)		(+100,000,000)	
Comprehensive planning grants	75,000,000	25,000,000	50,000,000	75,000,000	62,500,000	−12,500,000	+37,500,000	+12,500,000	−12,500,000
Rehabilitation loan fund	50,000,000		25,000,000	75,000,000	50,000,000		+50,000,000	+25,000,000	−25,000,000
Salaries and expenses, community planning and development programs	43,020,000					−43,020,000			
Total, Community Planning and Development	2,006,020,000	3,273,000,000	3,323,000,000	3,398,000,000	3,360,500,000	+1,354,480,000	+87,500,000	+37,500,000	−37,500,000
FEDERAL INSURANCE ADMINISTRATION									
Flood insurance	75,000,000	100,000,000	75,000,000	75,000,000	75,000,000		−25,000,000		

COMPARATIVE STATEMENT OF THE NEW BUDGET (OBLIGATIONAL) AUTHORITY, HUD—INDEPENDENT AGENCIES APPROPRIATION BILL, 1977 (H.R. 14233)—Continued

[Note.—All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1976	Budget estimates of new budget (obligational) authority, fiscal year 1977	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1976	Conference action compared with— Budget estimates of new budget (obligational) authority, fiscal year 1977	Conference action compared with— House bill	Conference action compared with— Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—Continued									
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued									
OFFICE OF INTERSTATE LAND SALES REGISTRATION									
Interstate land sales	$2,797,000					−$2,797,000			
POLICY DEVELOPMENT AND RESEARCH									
Research and technology	53,000,000	$71,000,000	$53,000,000	$60,000,000	$55,000,000	+2,000,000	−$16,000,000	+$2,000,000	−$5,000,000
Salaries and expenses, policy development and research	6,955,000					−6,955,000			
Total, Policy Development and Research	59,955,000	71,000,000	53,000,000	60,000,000	55,000,000	−4,955,000	−16,000,000	+2,000,000	−5,000,000
FAIR HOUSING AND EQUAL OPPORTUNITY									
Fair housing and equal opportunity	13,107,000					−13,107,000			
MANAGEMENT AND ADMINISTRATION									
Salaries and expenses, Department of Housing and Urban Development		201,442,000	193,370,000	201,670,000	195,370,000	+195,370,000	−6,072,000	+2,000,000	−6,300,000
By transfer, FHA funds		(223,630,000)	(223,630,000)	(223,630,000)	(223,630,000)	(+223,630,000)			
General departmental management	6,038,000					−6,038,000			
Salaries and expenses, Office of general counsel	3,441,000					−3,441,000			
By transfer, FHA funds	(1,800,000)					(−1,800,000)			
Salaries and expenses, Office of inspector general	7,462,000					−7,462,000			
By transfer, FHA funds	(3,132,000)					(−3,132,000)			
Administration and staff services	22,344,000					−22,344,000			
By transfer, FHA funds	(31,725,000)					(−31,725,000)			
Regional management and services	25,452,000					−25,452,000			
By transfer, FHA funds	(15,642,000)					(−15,642,000)			
Total, Management and Administration	64,737,000	201,442,000	193,370,000	201,670,000	195,370,000	+130,633,000	−6,072,000	+2,000,000	−6,300,000
Total, Department of Housing and Urban Development	26,402,367,000	21,529,905,000	18,990,625,000	19,337,935,000	19,292,135,000	−7,110,232,000	−2,237,770,000	+301,510,000	−45,800,000
FUNDS APPROPRIATED TO THE PRESIDENT									
FEDERAL DISASTER ASSISTANCE ADMINISTRATION									
Disaster relief	150,000,000	100,000,000	100,000,000	100,000,000	100,000,000	−50,000,000			
Total, Title I:									
New budget (obligational) authority	26,552,367,000	21,629,905,000	19,090,625,000	19,437,935,000	19,392,135,000	−7,160,232,000	−2,237,770,000	+301,510,000	−45,800,000
Appropriations	(881,367,000)	(1,445,405,000)	(858,635,000)	(843,935,000)	(798,135,000)	(−83,232,000)	(−647,270,000)	(−60,500,000)	(−45,800,000)
Contract authority	(20,671,000,000)	(20,184,500,000)	(18,231,990,000)	(18,594,000,000)	(18,594,000,000)	(−2,077,000,000)	(−1,590,500,000)	(+362,010,000)	
Borrowing authority	(5,000,000,000)					(−5,000,000,000)			
By transfer	(964,000,000)					(−964,000,000)			
Appropriations to liquidate contract authority	(5,495,000,000)	(6,681,600,000)	(6,598,600,000)	(6,698,600,000)	(6,698,600,000)	(+1,203,600,000)	(+17,000,000)	(+100,000,000)	
Increased limitation for annual contract authority	(697,300,000)	(850,000,000)	(675,000,000)	(615,400,000)	(675,000,000)	(−22,300,000)	(−175,000,000)		(+59,600,000)
Limitation on corporate funds to be expended	(215,802,000)	(223,630,000)	(223,630,000)	(223,630,000)	(223,630,000)	(+7,828,000)			
TITLE II									
INDEPENDENT AGENCIES									
AMERICAN BATTLE MONUMENTS COMMISSION									
Salaries and expenses	5,374,000	5,824,000	5,824,000	5,824,000	5,824,000	+450,000			
CONSUMER PRODUCT SAFETY COMMISSION									
Salaries and expenses	[1] 39,564,000	37,000,000	41,100,000	37,000,000	39,000,000	−564,000	+2,000,000	−2,100,000	+2,000,000
DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY									
Salaries and expenses	5,785,000	6,161,000	6,161,000	6,161,000	6,161,000	+376,000			
ENVIRONMENTAL PROTECTION AGENCY									
Agency and regional management	65,374,000	67,538,000	73,000,000	73,000,000	73,000,000	+7,626,000	+5,462,000		
Energy research and development	100,000,000	96,973,000				−100,000,000	−96,973,000		
Research and development	170,674,000	159,476,000	265,900,000	259,900,000	259,900,000	+89,226,000	+100,424,000	−5,100,000	
Abatement and control	375,766,000	[2] 340,844,000	398,044,000	371,844,000	376,844,000	+1,078,000	+36,000,000	−21,200,000	+5,000,000
Appropriation to liquidate contract authority	(65,000,000)	(49,181,431)	(49,182,000)	(49,182,000)	(49,182,000)	(−15,818,000)	(+569)		
Enforcement	53,606,000	56,561,000	56,561,000	56,561,000	56,561,000	+2,955,000			
Buildings and facilities	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000				
Construction grants			200,000,000	200,000,000	200,000,000	+200,000,000	+200,000,000		
Appropriation to liquidate contract authority	(800,000,000	(3,800,000,000)	(3,800,000,000)	(3,800,000,000)	(3,800,000,000)	(+3,000,000,000)			
Transition period		(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+200,000,000)			

See footnotes at end of table.

Agency and item	New budget (obligational) authority, fiscal year 1976	Budget estimates of new budget (obligational) authority, fiscal year 1977	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1976	Conference action compared with— Budget estimates of new budget (obligational) authority, fiscal year 1977	Conference action compared with— House bill	Conference action compared with— Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Scientific activities overseas (special foreign currency program)	$4,000,000	$6,000,000	$6,000,000	$5,000,000	$5,000,000	+$1,000,000	−$1,000,000	−$1,000,000	
Total, Environmental Protection Agency	771,520,000	729,492,000	1,000,705,000	968,405,000	973,405,000	+201,835,000	+243,913,000	−27,300,000	+$5,000,000
EXECUTIVE OFFICE OF THE PRESIDENT									
Council on Environmental Quality and Office of Environmental Quality	2,736,000	2,915,000	2,915,000	2,800,000	2,800,000	+64,000	−115,000	−115,000	
Office of Science and Technology Policy	500,000	[3] 3,300,000		2,300,000	2,300,000	+1,800,000	−1,000,000	+2,300,000	
Total, Executive Office of the President	3,236,000	6,215,000	2,915,000	5,100,000	5,100,000	+1,864,000	−1,115,000	+2,185,000	
GENERAL SERVICES ADMINISTRATION									
Consumer Information Center	1,054,000	1,073,000	1,073,000	1,073,000	1,073,000	+19,000			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE									
Office of Consumer Affairs	1,534,000	1,581,000	1,581,000	1,645,000	1,581,000	+47,000			−64,000
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
Research and development	2,677,380,000	2,758,925,000	2,767,425,000	2,761,425,000	2,761,425,000	+84,045,000	+2,500,000	−6,000,000	
Construction of facilities	82,130,000	124,020,000	118,090,000	120,290,000	118,090,000	+35,960,000	−5,930,000		−2,200,000
Research and program management	792,312,000	814,055,000	809,000,000	813,455,000	813,000,000	+20,688,000	−1,055,000	+4,000,000	−$455,000
Total, National Aeronautics and Space Administration	3,551,822,000	3,697,000,000	3,694,515,000	3,695,170,000	3,692,515,000	+140,693,000	−4,485,000	−2,000,000	−2,655,000
NATIONAL COMMISSION ON WATER QUALITY									
Salaries and expenses	175,000					−175,000			
NATIONAL SCIENCE FOUNDATION									
Salaries and expenses	711, 250, 000	796,000,000				−711, 250,000	−796,000,000		
Research and related activities			681,400,000	738,000,000	710,000,000	+710,000,000	+710,000,000	+28,600,000	−28,000,000
Science education activities			64,000,000	59,000,000	59,000,000	+59,000,000	+59,000,000	−5,000,000	
Scientific activities (special foreign currency program)	4,000,000	6,000,000	4,600,000	4,600,000	4,600,000	+600,000	−1,400,000		
Total, National Science Foundation	715,250,000	802,000,000	750,000,000	801,600,000	773,600,000	+58,350,000	−28,400,000	+23,600,000	−28,000,000
SELECTIVE SERVICE SYSTEM									
Salaries and expenses	37,500,000	6,800,000	6,800,000	6,800,000	6,800,000	−30,700,000			
DEPARTMENT OF THE TREASURY									
New York City Seasonal Financing Fund	2,300,000,000					−2,300,000,000			
New York City Seasonal Financing Fund, administrative expenses	1,000,000	1,250,000	1,250,000	1,250,000	1,250,000	+250,000			
Total, Department of the Treasury	2,301,000,000	1,250,000	1,250,000	1,250,000	1,250,000	−2,299,750,000			
VETERANS' ADMINISTRATION									
Compensation and pensions	8,249,200,000	8,153,400,000	8,153,400,000	8,153,400,000	8,153,400,000	−95,800,000			
Readjustment benefits	6,014,475,000	4,873,000,000	4,813,000,000	4,813,000,000	4,813,000,000	−1,201,475,000	−60,000,000		
Veterans insurance and indemnities	6,600,000	7,000,009	7,000,000	7,000,000	7,000,000	+400,000			
Medical care	3,854,456,000	4,172,232,000	4,222,232,000	4,218,032,000	4,218,032,000	+363,576,000	+45,800,000	−4,200,000	
Medical and prosthetic research	97,309,000	97,433,000	97,433,000	101,633,000	101,633,000	+4,324,000	+4,200,000	+4,200,000	
Medical administration and miscellaneous operating expenses	38,528,000	39,941,000	39,941,000	39,941,000	39,941,000	+1,413,000			
General operating expenses	483,300,000	512,883,000	508,383,000	508,383,000	508,383,000	+25,083,000	−4,500,000		
Construction, major projects	297,464,000	[4] 385,847,000	399,131,000	388,847,000	405,681,000	+108,217,000	+19,834,000	+6,550,000	+16,834,000
Construction, minor projects	106,426,000	93,061,000	92,561,000	92,501,000	92,001,000	−14,425,000	−1,060,000	−560,000	−500,000
Grants for construction of State extended care facilities	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000				
Assistance for health manpower training institutions	30,000,000	35,000,000	35,000,000	35,000,000	35,000,000	+5,000,000			
Grants to the Republic of the Philippines	2,100,000	2,100,000	2,100,000	500,000	2,100,000				+1,600,000
Loan guaranty revolving fund (limitation on obligations)	(550,000,000)	(550,000,000)	(550,000,000)	(550,000,000)	(550,000,000)				
Vocational rehabilitation revolving fund	100,000					−100,000			
Supply fund	29,001,000					−29,001,000			
Appropriation to liquidate contract authority	(80,999,000)					(−80,999,000)			
Total, Veterans' Administration	19,218,959,000	18,381,897,000	18,380,181,000	18,368,237,000	18,386,171,000	−832,788,000	+4,274,000	+5,990,000	+17,934,000
Total, Title II:									
New budget (obligational) authority	26,652,773,000	23,676,293,000	23,892,105,000	23,898,265,000	23,892,480,000	−2,760,293,000	+216,187,000	+375,000	−5,785,000
Appropriations to liquidate contract authority	945,999,000	3,849,181,431	3,849,182,000	3,849,182,000	3,849,182,000	+2,903,183,000	+569		
Transition period		200,000,000	200,000,000	200,000,000	200,000,000	+200,000,000			

See footnotes at end of table.

COMPARATIVE STATEMENT OF THE NEW BUDGET (OBLIGATIONAL) AUTHORITY, HUD—INDEPENDENT AGENCIES APPROPRIATION BILL, 1977 (H.R. 14233)—Continued

[Note.—All amounts are in the form of appropriations unless otherwise indicated

Agency and item	New budget (obligational) authority, fiscal year 1976	Budget estimates of new budget (obligational) authority, fiscal year 1977	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1976	Conference action compared with— Budget estimates of new budget (obligational) authority, fiscal year 1977	Conference action compared with— House bill	Conference action compared with— Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE III									
CORPORATIONS									
Federal Home Loan Bank Board:									
Limitation on administrative expenses	($14,665,000)	($17,100,000)	($17,100,000)	($17,100,000)	($17,100,000)	(+$2,435,000)			
Limitation on nonadministrative expenses	(20,860,000)	(23,620,000)	(23,620,000)	(23,620,000)	(23,620,000)	(+2,760,000)			
Federal Savings and Loan Insurance Corporation:									
Limitation on administrative expenses	(826,000)	(875,000)	(875,000)	(875,000)	(875,000)	(+49,000)			
Department of Housing and Urban Development:									
Government National Mortgage Association:									
Limitation on administrative expenses	(1,273,000)					(−1,273,000)			
Total, Title III, Corporations (administrative and nonadministrative expenses)	(37,624,000)	(41,595,000)	(41,595,000)	(41,595,000)	(41,595,000)	(+3,971,000)			
RECAPITULATION									
Grand total, Titles I, II, and III:									
New budget (obligational) authority	53,205,140,000	45,306,198,000	42,982,730,000	43,336,200,000	43,284,615,000	−9,920,525,000	−$2,021,583,000	+$301,885,000	−$51,585,000
Appropriations	(27,534,140,000)	(25,121,698,000)	(24,750,740,000)	(24,742,200,000)	(24,690,615,000)	(−2,843,525,000)	(−431,083,000)	(−60,125,000)	(−51,585,000)
Contract authority	(20,671,000,000)	(20,184,500,000)	(18,231,990,000)	(18,594,000,000)	(18,594,000,000)	(−2,077,000,000)	(−1,590,500,000)	(+362,010,000)	
Borrowing authority	(5,000,000,000)					(−5,000,000,000)			
By transfer	(964,000,000)					(−964,000,000)			
Appropriations to liquidate contract authority	(6,440,999,000)	(10,530,781,431)	(10,447,782,000)	(10,547,782,000)	(10,547,782,000)	(4,106,783,000)	(+17,000,569)	(+100,000,000)	
Transition period		(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+200,000,000)			
Increased limitation for annual contract authority	(697,300,000)	(850,000,000)	(675,000,000)	(615,400,000)	(675,000,000)	(−22,300,000)	(−175,000,000)		(+59,600,000)
Limitation on corporate funds to be expended	(253,426,000)	(265,225,000)	(265,225,000)	(265,225,000)	(265,225,000)	(+11,799,000)			

[1] Reflects rescission of $2,256,000 included in Public Law 94–249.
[2] Includes $11,300,000 requested in S. Doc. 94–197.
[3] Includes $3,300,000 requested in S. Doc. 94–210.
[4] Includes $268,316,000 requested in S. Doc. 94–199.

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

Mr. BOLAND. I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. I thank the gentleman for yielding.

I would very much like to see the pictures taken on Mars by Viking. Can the gentleman tell me whether or not we will have that opportunity?

Mr. BOLAND. We have some pictures in our subcommittee, in room 143 of the Capitol. There are only a few now, but within the next few days we will have better color photographs, and we will be glad to have the House look at them.

Mr. SEIBERLING. I agree that it is a remarkable achievement and that the scientific value of Viking will be incalculable in years to come.

Mr. BOLAND. It is unfortunate that the Olympic games have taken some of the exposure away from Viking at the present time.

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

Mr. BOLAND. I yield to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. I thank the gentleman for yielding.

I would like to address a question to the distinguished gentleman about the provisions of the Environmental Protection Agency section of the conference report, which provides funding for the Chesapeake Bay study.

Will the gentleman elaborate on that?

Mr. BOLAND. It does indeed. In this bill we provide $5 million for the Chesapeake Bay study which, in the judgment of the committee, is perhaps one of the most important bay studies that the Government is undertaking. Out of this study will come information that can be used for other bays in the United States.

The gentleman knows better than I that Chesapeake Bay is one of the finest bays in this country.

We provide in this bill $2.9 million for research and development and $2.1 million for the study of abatement and control for the Chesapeake Bay. I might also inform the gentleman that we have instructed that instead of the 10 personnel now engaged in the study, that that personnel be increased to 50 or 40 additional personnel for the Chesapeake Bay study. We have asked the Office of Management and Budget to release those additional personnel to the Agency so that the studies can go ahead, so that it can be completed within the 5-year period at a cost of around $5 million a year.

Mr. BAUMAN. I thank the gentleman for his information, and I applaud the committee's action. Saving the Chesapeake Bay is certainly one of the more worthwhile endeavors of EPA and I hope it is successful.

Mr. BOLAND. I appreciate the gentleman's remarks.

Mrs. BURKE of California. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentlewoman from California, a very valuable member of our subcommittee.

Mrs. BURKE of California. I thank the gentleman for yielding.

I would like to ask a question of the chairman on the conference committee report.

There is added to the 701 comprehensive planning grant the sum of approximately $12.5 million. There is no designation as to the category that the additional amount should be utilized for. I would like to know, in view of the fact that the Senate in their version provided $10 million for large cities and the House version had no allowance for large cities, whether or not it is anticipated that part of this $12 million should go to large cities under the 701 programs?

Mr. BOLAND. That would be my understanding of the action of the conferees. In the conference itself there was an indication and an expectation that part of the additional amount would be for large cities. The addition to the House amount in conference, as the gentlewoman says, is $12.5 million. It is expected that an equitable amount of that addition be used for large cities.

Mrs. BURKE of California. I thank the gentleman from Massachusetts.

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

Mr. Speaker, I agree with the gentleman from Massachusetts (Mr. BOLAND), the chairman of the committee. We had a good conference. All of the conferees signed and were in unanimous agreement that the conference report should be accepted. It is a good bill. It is $2 billion below the budget. The impact of this bill, however, will be felt for 40 years in the future. So I think it is important that we all pay close attention to the dollar amounts involved.

In housing, we have provided a fair test, I believe, for section 8, but we have some doubts about the success of the program. So we have also provided some $120 million for public housing, $85 million minimum for new construction.

We have provided $750 million in

new loans for housing for the elderly and handicapped. This is one of the most successful housing programs, and it is one of the most appreciated.

We provided $3 million for housing counseling in collaboration with the National Federation of Housing Counselors, and for the community development block program we provided the full budget request of approximately $3 billion, but we have set aside $100 million for the smaller communities within the SMSA areas. These funds replace seven former categorical grant programs.

Mr. Speaker, we have taken a very close look at the Environmental Protection Agency's activities for this year. I hope we will take an even closer look next year.

For the Office of Science and Technology Policy, there is a new office, and Dr. Stever has just been appointed as the Science Adviser to the President.

We think the $2,300,000 which we have included should be sufficient to start up the program.

We have continued the Nation's commitment to our veterans, which is one of the most generous of any nation in the history of the world. We have provided $4.2 billion for medical care and $101 million for medical and prosthetic research; $13 billion is included for compensation, pensions, and readjustment benefits.

Out of the 13 annual appropriation measures, this bill is the furthest below the budget. It is $2 billion below the budget request for this year and almost $10 billion below last year's bill.

Mr. Speaker, this is a good bill. It is based on the most important and urgent priorities that should be funded first.

Mr. Speaker, I urge the adoption of the conference report.

Mr. TRAXLER. Mr. Speaker, as a member of the Subcommittee on HUD and Independent Agencies of the House Appropriations Committee, I am privileged to review the programs of the Veterans' Administration which are of great interest to every American who has served in our Armed Forces. Veterans groups within the State of Michigan have brought to my attention important information regarding the quality of medical services at the VA hospital in Allen Park, Mich., near Detroit.

This facility is quite old, and simply not modern enough to provide the care needed by the number of veterans within the Detroit area. The VA has in recent years proposed a rehabilitation of the hospital to improve its condition, but for an equal amount of time, the veterans groups in Michigan have worked to demonstrate that a new facility is needed.

This information first came to me in early 1975, and I questioned Mr. Richard L. Roudebush, Administrator of the Veterans' Administration, both during hearings on the fiscal 1976 budget, and again in March of this year, about the condition of Allen Park and that plans that the VA had for this facility. Mr. Roudebush was most understanding of the problems at Allen Park, but responded last year and again this year by saying that there are "no definitive plans for an Allen Park replacement hospital." Veterans groups within Michigan have concluded that even if Allen Park were modernized, it would be unable to provide sufficient levels of care to the veterans who need it. All of this information appears in the record of these hearings on pages 71 through 81 of part 3 of the fiscal 1976 HUD-independent agencies appropriations hearings, and on pages 18 through 22 of the fiscal 1977 hearings.

We have become increasingly concerned with the efficient use of appropriated funds in recent years, and in some instances we have recognized the need to cut back on some programs and to slow the growth of other programs which are important for our continued progress and needs. But in no instance in American history have we ever denied programs to those servicemen who have sacrificed prime years of their lives, and sometimes their future vitality, to the United States.

Our veterans programs recognize the contribution made by these men, and attempts in a very modest way to thank them for their dedication. We have always prided ourselves on the health care that we have provided to these brave men and women who have worked to preserve our Nation's freedom. These benefits provide health services for our servicemen who have been wounded in battle, injured in the line of duty, or are unable to adequately provide for the expenses incurred by a nonservice connected disability. These men and women have given their all to the United States, and it is only fitting that we begin to repay our debt to them by providing the health care they so urgently need.

I recognize the constraints that the VA faces in the development of its budget. Over the last 2 years when questioned about the Allen Park hospital, the VA has responded by saying that they cannot undertake any new, major construction programs. But considering the fact that any rehabilitation of Allen Park would be very expensive and would still not provide us with an adequate facility. I have been somewhat puzzled by the cost problem expressed by the VA, especially when we are concerned about the efficient expenditure of taxpayers' dollars. I am sure that Mr. Roudebush and his assistants make these recommendations in good faith, but as a member of the HUD-Independent Agencies Subcommittee, I find myself in disagreement with the spending priorities established by the VA, and as an American I find myself extremely sympathetic to the needs of the veterans who need a better hospital.

It is for this reason that I was particularly pleased to see that the Senate within their report on the HUD-independent agencies appropriations bill had, on page 72, directed the Veterans Administration to use $100,000 of the funds provided under "Construction, Minor Projects," for a preliminary plan for the construction of a new VA hospital in Detroit. The Senate report noted that a plan prepared by the VA with respect to district 14, including Detroit, had recommended a replacement for Allen Park. This is the first step in the construction of a new hospital, and within a few years we may be able to vote on the appropriations for the actual construction of a new facility.

I am certain that the VA will heed the words of the Senate report. We in the conference had absolutely no disagreement with this language, and we are pleased to provide the veterans in the Michigan area with the chance for the new hospital they truly need.

I am also hopeful that the VA will give particular attention to the recommendations of the veterans group in Michigan, and construct the new hospital adjacent to the medical school complex at Wayne State University in Detroit. This location would be extremely accessible for veterans in need of the facility, and would also provide complete medical assistance and analytical labs in conjunction with the Wayne State Medical School.

Mr. Speaker, the entire bill provides us with a wise spending program. It provides funding for programs of importance to all Americans, and I urge my colleagues to resoundingly approve the conference report on H.R. 14233, Department of Housing and Urban Development-independent agencies appropriations bill for fiscal 1977.

Mr. ROUSH. Mr. Speaker, I rise in support of the work the HUD and Independent Agencies Subcommittee on Appropriations has done in reporting a bill that is not only less than the budget estimates but less than the 1976 appropriations. As a member of this subcommittee, I assisted in reporting out the bill which was $2,308,868,000 below the President's budget. Mr. BOLAND, the chairman, and his staff should be commended.

Some of the many agencies testifying before our subcommittee included: Department of Housing and Urban Development, Consumer Product Safety Commission, Council on Environmental Quality, Environmental Protection Agency, National Aeronautics and Space Administration, National Science Foundation, Office of Consumer Affairs, Selective Service System, and Veterans' Administration. The Senate version was a larger bill than what the House passed. The conference committee, upon which I served, worked out a compromise between the two different versions. The legislation that was sent to the President was $301,885,000 more than the House total and $51,585,000 less than the Senate total. I would have preferred the House figure, but the compromise was better in my mind than accepting the much higher Senate version.

I find the work on this subcommittee to be one of my most challenging. It is with great difficulty that the decisions to appropriate money to these various agencies are made. To make cuts in their budget estimates meant cutting back on many needed programs, yet we must remain within our spending limits as set by the Budget Committee. If we are to control Federal spending, sacrifices must be made and priorities must be set.

Mr. BOLAND. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. TALCOTT. 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 390, nays 15, not voting 27, as follows:

[Roll No. 550]

YEAS—390

Abdnor	Daniels, N.J.	Hicks
Abzug	Danielson	Hightower
Adams	Davis	Hillis
Addabbo	de la Garza	Holland
Alexander	Delaney	Holt
Allen	Dellums	Holtzman
Ambro	Dent	Horton
Anderson, Calif.	Derrick	Howard
	Derwinski	Howe
Anderson, Ill.	Devine	Hubbard
Andrews, N.C.	Dickinson	Hughes
Andrews, N. Dak.	Dingell	Hungate
	Dodd	Hutchinson
Annunzio	Downey, N.Y.	Hyde
Ashley	Downing, Va.	Ichord
Aspin	Drinan	Jacobs
AuCoin	Duncan, Oreg.	Jarman
Badillo	Duncan, Tenn.	Jeffords
Bafalis	du Pont	Jenrette
Baldus	Early	Johnson, Calif.
Baucus	Eckhardt	Johnson, Colo.
Bauman	Edgar	Johnson, Pa.
Beard, R.I.	Edwards, Ala.	Jones, Ala.
Beard, Tenn.	Edwards, Calif.	Jones, N.C.
Bedell	Eilberg	Jones, Okla.
Bell	Emery	Jordan
Bennett	English	Kasten
Bergland	Erlenborn	Kastenmeier
Bevill	Eshleman	Kazen
Biaggi	Evans, Colo.	Kelly
Biester	Evins, Tenn.	Kemp
Bingham	Fary	Ketchum
Blanchard	Fascell	Keys
Blouin	Fenwick	Koch
Boggs	Findley	Krebs
Boland	Fish	Krueger
Bolling	Fisher	LaFalce
Bonker	Fithian	Lagomarsino
Bowen	Flood	Leggett
Brademas	Florio	Lehman
Breaux	Flowers	Lent
Brinkley	Flynt	Levitas
Brodhead	Foley	Lloyd, Calif.
Broomfield	Ford, Mich.	Lloyd, Tenn.
Brown, Calif.	Ford, Tenn.	Long, La.
Brown, Mich.	Forsythe	Long, Md.
Brown, Ohio	Fraser	Lott
Broyhill	Frenzel	Lujan
Buchanan	Frey	Lundine
Burgener	Fuqua	McClory
Burke, Calif.	Gaydos	McCloskey
Burke, Fla.	Giaimo	McCollister
Burke, Mass.	Gibbons	McCormack
Burleson, Tex.	Gilman	McDade
Burlison, Mo.	Ginn	McEwen
Burton, John	Goldwater	McFall
Burton, Phillip	Gonzalez	McHugh
Butler	Goodling	McKay
Byron	Gradison	McKinney
Carney	Grassley	Madden
Carr	Green	Maguire
Carter	Gude	Mahon
Cederberg	Guyer	Mann
Chappell	Hagedorn	Martin
Chisholm	Haley	Mathis
Clancy	Hall, Ill.	Matsunaga
Clausen, Don H.	Hall, Tex.	Mazzoli
	Hamilton	Meeds
Clawson, Del	Hammer-schmidt	Melcher
Cleveland		Metcalfe
Cochran	Hanley	Meyner
Cohen	Hannaford	Mezvinsky
Collins, Ill.	Harkin	Michel
Conable	Harrington	Mikva
Conlan	Harris	Milford
Conte	Harsha	Miller, Calif.
Conyers	Hawkins	Mills
Corman	Hayes, Ind.	Mineta
Cornell	Hays, Ohio	Minish
Cotter	Hechler, W. Va.	Mink
Coughlin	Heckler, Mass.	Mitchell, Md.
D'Amours	Hefner	Mitchell, N.Y.
Daniel, Dan	Heinz	Moakley
Daniel, R. W.	Henderson	Moffett
Mollohan	Rhodes	Steed
Montgomery	Richmond	Steiger, Wis.
Moore	Rinaldo	Stokes
Moorhead, Calif.	Risenhoover	Studds
	Roberts	Talcott
Moorhead, Pa.	Robinson	Taylor, Mo.
Morgan	Rodino	Taylor, N.C.
Mosher	Roe	Teague
Moss	Rogers	Thompson
Murphy, Ill.	Roncalio	Thone
Murphy, N.Y.	Rooney	Thornton
Murtha	Rose	Traxler
Myers, Ind.	Rosenthal	Treen
Myers, Pa.	Rostenkowski	Tsongas
Natcher	Roush	Udall
Neal	Rousselot	Ullman
Nedzi	Roybal	Van Deerlin
Nichols	Runnels	Vander Jagt
Nix	Ruppe	Vander Veen
Nolan	Ryan	Vanik
Nowak	St Germain	Vigorito
Oberstar	Santini	Waggonner
Obey	Sarasin	Walsh
O'Brien	Sarbanes	Wampler
O'Neill	Satterfield	Waxman
Ottinger	Scheuer	Weaver
Passman	Schroeder	Whalen
Patten, N.J.	Schulze	White
Patterson, Calif.	Sebelius	Whitehurst
	Seiberling	Whitten
Pattison, N.Y.	Sharp	Wilson, Bob
Pepper	Shipley	Wilson, C. H.
Perkins	Shriver	Wilson, Tex.
Pettis	Shuster	Winn
Peyser	Sikes	Wirth
Pickle	Simon	Wolff
Pike	Sisk	Wright
Poage	Skubitz	Wydler
Pressler	Slack	Wylie
Preyer	Smith, Iowa	Yates
Price	Smith, Nebr.	Yatron
Pritchard	Snyder	Young, Alaska
Quie	Solarz	Young, Fla.
Quillen	Spellman	Young, Ga.
Railsback	Spence	Young, Tex.
Randall	Staggers	Zablocki
Rangel	Stanton, J. William	Zeferetti
Regula		
Reuss	Stark	

NAYS—15

Archer	Evans, Ind.	Mottl
Armstrong	Kindness	Paul
Ashbrook	Latta	Russo
Collins, Tex.	McDonald	Schneebeli
Crane	Miller, Ohio	Symms

NOT VOTING—27

Breckinridge	Jones, Tenn.	Steelman
Brooks	Karth	Steiger, Ariz.
Clay	Landrum	Stephens
Diggs	Litton	Stratton
Esch	Madigan	Stuckey
Fountain	O'Hara	Sullivan
Hansen	Rees	Symington
Hébert	Riegle	Wiggins
Helstoski	Stanton, James V.	
Hinshaw		

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Esch.
Mr. Brooks with Mr. Karth.
Mr. Fountain with Mr. Steiger of Arizona.
Mr. Hébert with Mr. Hansen.
Mr. Helstoski with Mr. James V. Stanton.
Mr. Symington with Mr. Madigan.
Mr. Stratton with Mr. Steelman.
Mr. Landrum with Mr. Rees.
Mrs. Sullivan with Mr. Stephens.
Mr. Riegle with Mr. Clay.
Mr. Diggs with Mr. Stuckey.
Mr. Breckinridge with Mr. O'Hara.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 1: Page 2, strike out lines 6 down through and including line 6 on page 3.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 1 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following:

"The additional amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), entered into after September 30, 1976, shall not exceed $675,000,000 including not more than $35,000,000 for the modernization of existing low-income housing projects, which amounts shall be in addition to balances of authorization heretofore made available for such contracts: *Provided*, That the total new budget authority obligated under such contracts entered into after September 30, 1976, shall not exceed $14,870,400,000, which amount shall not include budget authority obligated under balances of authorization heretofore made available: *Provided further*, That of the total herein provided, excluding funds for modernization, not more than $120,000,000 shall be used only for contracts for annual contributions to assist in financing the development or acquisition of low-income housing projects to be owned by public housing agencies other than under section 8 of the above Act: *Provided further*, That of the amount set forth in the second proviso, not more than $85,000,000 shall be used only for projects on which construction or substantial rehabilitation is commenced after the effective date of this Act except in the case of amendments to existing contracts: *Provided further*, That of the amount set forth in the second proviso, not less than 15 per centum shall be used only with respect to new construction in nonmetropolitan areas."

Mr. BOLAND (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with. It is printed in the conference report on page 4, and it is explicable there.

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

There was no objection.

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

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 2: Page 5, line 2, insert: "*Provided further*, That the Secretary may borrow from the Secretary of the Treasury in accordance with and up to the amounts authorized by said section, in such amounts as are necessary to provide the loans authorized herein."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That the Secretary may borrow from the Secretary of the Treasury in such amounts as are necessary to provide the loans authorized herein."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 8, line 11, insert: "of which $200,000,000 shall be used for the purposes stated in section 103(a)(2) of said Act except that not more than $100,000,000 of the amount so provided may be used for the purposes of section 106(d)(1),".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Page 21, line 20 insert: *"Provided further,* That of the foregoing amounts funds available to meet minima authorized by any other Act shall be available only to the extent such funds are not in excess of amounts provided herein".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 21, line 24 insert: *Provided further,* That unless otherwise specified by this appropriation, the ratio of amounts made available under this Act for a program or minima to the amounts specified for a program or minima in any other Act, for the activity for which the limitation applies, shall not exceed the ratio that the total funds appropriated in this Act bear to the total funds authorized in such Act, for the activity for which the limitation applies."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 22, line 16, insert: *"Provided further,* That of the foregoing amounts, funds available to meet minima authorized by any other Act shall be available only to the extent such funds are not in excess of amounts provided herein."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 22, line 20, insert: *"Provided further,* That unless otherwise specified by this appropriation, the ratio of amounts made available under this Act for a program or minima to the amounts specified for a program or minima in any other Act, for the activity for which the limitation applies, shall not exceed the ratio that the total funds appropriated in this Act bear to the total funds authorized in such Act, for the activity for which the limitation applies."

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Senate amendment No. 35: Page 28, line 2, strike out: "$399,131,000" and insert: "$388,847,000,".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert: "$405,681,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the last amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: Page 29, line 4, strike out: "$92,561,000" and insert "$92,501,000,".

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BOLAND moves that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment insert "92,001,000".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include tables, charts, and other extraneous material, on the conference report on the bill (H.R. 14233) just agreed to.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13720, DEBT COLLECTION PRACTICES ACT

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1278 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

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. 13720) to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors. 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 Banking, Currency and Housing, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. McFALL). The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, the Debt Collection Practices Act was considered by the House on July 19 under suspension of the rules, but failed to receive the necessary two-thirds required for passage. House Resolution 1278 provides for an open rule providing 1 hour of general debate on H.R. 13720.

This bill amends the Consumer Protection Act to prohibit abusive practices by debt collectors and to regulate their activities. H.R. 13720 places restrictions on the time and manner of communications by a debt collector with the consumer, his or her spouse, or third parties. This legislation prohibits the debt collector from making any false or misleading representation as well as forbids the use of abusive language and threats.

After initial communication from the debt collector, this bill requires that the consumer be notified in writing regarding the amount of the debt and the name and address of the creditor. This information must be accompanied by a statement that the consumer must dispute the validity of the debt within 30 days, or the debt will be assumed valid. Where the debt is disputed, collection procedures must stop until a certificate stating the validity of the debt is obtained.

The Federal Trade Commission will be responsible for the enforcement of this legislation. Civil and criminal penalties in this bill are consistent with those

already in the Consumer Credit Protection Act. A debt collector who fails to comply with the provisions of this bill is liable to the affected individual for an amount not less than $100 and not more than $1,000. In a class action suit, violators would be liable for no more than $500,000 or 1 percent of their net worth, whichever was less. The criminal liability consists of a fine of up to $5,000 or imprisonment up to 1 year, or both, for violation of the bill's provisions.

These safeguards are necessary for the protection of consumers to limit the abusive practices of unethical debt collectors. At present there is no Federal statute to regulate interstate debt collection practices, where most abuses occur. Legislation needs to be enacted. I urge the adoption of House Resolution 1278 that we may discuss and debate H.R. 13720.

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

Mr. Speaker, the gentleman from Illinois has explained that House Resolution 1278 is a simple 1-hour open rule making in order the consideration of H.R. 13720, the Debt Collection Practices Act, which failed of passage under suspension of the rules on July 19, 1976.

This legislation is designed to protect consumers from unethical tactics of debt collectors. In doing so the bill sets forth the conditions under which a debt collector must operate in seeking information about a debtor and in communicating with him in connection with the collection of any debt. Enforcement authority is given to the Federal Trade Commission through civil and criminal liability provisions consistent with those presently in the Consumer Protection Act. Additionally, provision is made for class action suits against debt collectors by aggrieved persons.

There is no question but what many debt collection agencies existing today have harassed, intimidated, and deceived numerous persons in their efforts to recover debts owed their clients. No legitimate businessman would argue for the continuation of such practices, but I believe it is important in attempting to prevent such occurrences not to tip the balance on the side of the debtor who may be deliberately avoiding the payment of an honest debt.

When H.R. 13720 was before the Rules Committee, several concerns were expressed regarding the FTC's view of this legislation, the civil liability section allowing class action suits, and the particular types of collection agencies to be affected. I hope that during the debate on this bill these questions will be discussed and further clarified.

Mr. Speaker, I know of no opposition to the rule, and I reserve the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 391, nays 2, not voting 39, as follows:

[Roll No. 551]

YEAS—391

Abzug	Danielson	Hughes
Adams	Davis	Hungate
Addabbo	de la Garza	Hutchinson
Alexander	Delaney	Hyde
Allen	Dellums	Ichord
Ambro	Dent	Jacobs
Anderson, Calif.	Derrick	Jarman
	Derwinski	Jeffords
Anderson, Ill.	Devine	Jenrette
Andrews, N.C.	Dickinson	Johnson, Calif.
Andrews, N. Dak.	Dingell	Johnson, Colo.
	Dodd	Johnson, Pa.
Annunzio	Downey, N.Y.	Jones, N.C.
Archer	Downing, Va.	Jones, Okla.
Armstrong	Drinan	Jordan
Ashbrook	Duncan, Tenn.	Kasten
Ashley	du Pont	Kastenmeier
Aspin	Early	Kazen
AuCoin	Eckhardt	Kelly
Badillo	Edgar	Kemp
Bafalis	Edwards, Ala.	Ketchum
Baldus	Edwards, Calif.	Keys
Baucus	Eilberg	Kindness
Bauman	Emery	Koch
Beard, R.I.	English	Krebs
Beard, Tenn.	Erlenborn	Krueger
Bedell	Evans, Colo.	LaFalce
Bell	Evans, Ind.	Lagomarsino
Bennett	Fary	Latta
Bergland	Fascell	Leggett
Bevill	Fenwick	Lehman
Biaggi	Findley	Lent
Biester	Fish	Levitas
Bingham	Fisher	Lloyd, Calif.
Blanchard	Fithian	Lloyd, Tenn.
Blouin	Flood	Long, La.
Boggs	Florio	Long, Md.
Boland	Flowers	Lott
Bolling	Flynt	Lundine
Bonker	Foley	McClory
Bowen	Ford, Mich.	McCloskey
Brademas	Ford, Tenn.	McCollister
Breaux	Forsythe	McCormack
Breckinridge	Fraser	McDade
Brinkley	Frenzel	McDonald
Brodhead	Frey	McFall
Brooks	Fuqua	McHugh
Broomfield	Gaydos	McKay
Brown, Calif.	Giaimo	McKinney
Brown, Mich.	Gibbons	Madden
Brown, Ohio	Gilman	Maguire
Broyhill	Ginn	Mahon
Buchanan	Goldwater	Mann
Burgener	Gonzalez	Martin
Burke, Calif.	Goodling	Mathis
Burke, Fla.	Gradison	Matsunaga
Burke, Mass.	Grassley	Mazzoli
Burleson, Tex.	Green	Melcher
Burlison, Mo.	Gude	Metcalfe
Burton, John	Guyer	Meyner
Burton, Phillip	Hagedorn	Mezvinsky
Butler	Haley	Michel
Byron	Hall, Ill.	Mikva
Carr	Hall, Tex.	Milford
Carter	Hamilton	Miller, Calif.
Cederberg	Hammer-schmidt	Miller, Ohio
Chappell		Mills
Chisholm	Hanley	Mineta
Clancy	Hannaford	Minish
Clausen, Don H.	Harkin	Mink
	Harrington	Mitchell, Md.
Clawson, Del	Harris	Mitchell, N.Y.
Cleveland	Harsha	Moakley
Cochran	Hawkins	Moffett
Cohen	Hayes, Ind.	Mollohan
Collins, Ill.	Hays, Ohio	Montgomery
Collins, Tex.	Hechler, W. Va.	Moore
Conable	Heckler, Mass.	Moorhead, Calif.
Conlan	Hefner	
Conte	Heinz	Moorhead, Pa.
Conyers	Henderson	Morgan
Corman	Hicks	Moss
Cornell	Hightower	Mottl
Cotter	Hillis	Murphy, Ill.
Coughlin	Holland	Murphy, N.Y.
Crane	Holt	Murtha
D'Amours	Holtzman	Myers, Ind.
Daniel, Dan	Horton	Myers, Pa.
Daniel, R. W.	Howard	Natcher
Daniels, N.J.	Hubbard	Neal
Nedzi	Rosenthal	Taylor, Mo.
Nichols	Rostenkowski	Taylor, N.C.
Nix	Roush	Teague
Nolan	Rousselot	Thompson
Nowak	Roybal	Thone
Oberstar	Runnels	Thornton
Obey	Ruppe	Traxler
O'Brien	Russo	Treen
O'Neill	Ryan	Tsongas
Ottinger	St Germain	Udall
Passman	Santini	Ullman
Patten, N.J.	Sarasin	Van Deerlin
Patterson, Calif.	Sarbanes	Vander Jagt
	Satterfield	Vander Veen
Pattison, N.Y.	Scheuer	Vanik
Paul	Schneebeli	Vigorito
Pepper	Schroeder	Waggonner
Perkins	Schulze	Walsh
Pettis	Sebelius	Wampler
Pickle	Seiberling	Waxman
Pike	Sharp	Weaver
Poage	Shipley	Whalen
Preyer	Shriver	White
Price	Shuster	Whitehurst
Pritchard	Sikes	Whitten
Quie	Simon	Wilson, Bob
Railsback	Sisk	Wilson, C. H.
Randall	Skubitz	Wilson, Tex.
Rangel	Slack	Winn
Regula	Smith, Iowa	Wirth
Reuss	Smith, Nebr.	Wolff
Rhodes	Snyder	Wright
Richmond	Solarz	Wylie
Rinaldo	Spellman	Yates
Risenhoover	Spence	Yatron
Roberts	Staggers	Young, Alaska
Robinson	Stark	Young, Fla.
Rodino	Steed	Young, Ga.
Roe	Steiger, Wis.	Young, Tex.
Rogers	Stokes	Zablocki
Roncalio	Studds	Zeferetti
Rooney	Symms	
Rose	Talcott	

NAYS—2

Lujan	Quillen

NOT VOTING—39

Abdnor	Jones, Ala.	Stanton, J. William
Carney	Jones, Tenn.	
Clay	Karth	Stanton, James V.
Diggs	Landrum	
Duncan, Oreg.	Litton	Steelman
Esch	McEwen	Steiger, Ariz.
Eshleman	Madigan	Stephens
Evins, Tenn.	Meeds	Stratton
Fountain	Mosher	Stuckey
Hansen	O'Hara	Sullivan
Hébert	Peyser	Symington
Helstoski	Pressler	Wiggins
Hinshaw	Rees	Wydler
Howe	Riegle	

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Esch.
Mr. Hébert with Mr. Karth.
Mr. Fountain with Mr. Hansen.
Mr. Helstoski with Mr. O'Hara.
Mr. Symington with Mr. Steiger of Arizona.
Mr. Stratton with Mr. Stephens.
Mr. Landrum with Mr. Eshelman.
Mr. Riegle with Mr. Stuckey.
Mr. Diggs with Mr. Steelman.
Mr. Carney with Mr. Evins of Tennessee.
Mr. Clay with Mr. Abdnor.
Mr. Duncan of Oregon with Mr. Jones of Alabama.
Mr. Howe with Mr. Madigan.
Mr. Meeds with Mr. Mosher.
Mr. McEwen with Mr. Peyser.
Mr. Pressler with Mr. Rees.
Mrs. Sullivan with Mr. William J. Stanton.
Mr. James V. Stanton with Mr. Wydler.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3052, AMENDING SECTION 602 OF AGRICULTURAL ACT OF 1954

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3052) to amend

section 602 of the Agricultural Act of 1954, with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. DE LA GARZA, BROWN of California, RICHMOND, HARKIN, McHUGH, THONE, and GRASSLEY.

DEBT COLLECTION PRACTICES ACT

Mr. ANNUNZIO. 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. 13720) to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors.

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

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. 13720, with Mr. YOUNG of Georgia 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 Illinois (Mr. ANNUNZIO) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before we reach a vote on H.R. 13720, the Debt Collection Practices Act, there will be a great deal of rhetoric in this body about the legislation. There may well be conflicting points of view expressed about certain provisions of the legislation. And there may be a number of amendments offered. But what I am asking Members to realize is that the issue before us today is a very basic and simple one: Namely, should debt collectors be allowed to use any tactics at all including threats of violence, impersonation of law enforcement officials and midnight telephone calls in order to collect debts even if the debts involved are not just?

That is the only question that is to be decided here today. There can be great philosophical questions about the constitutionality of the legislation and there can be great discussions about States' rights, but when all of those discussions are over, Members of this body are going to have to make a choice. They can vote for the legislation and tell the American people that the Congress of the United States is in favor of human decency, or Members can vote against the legislation and let the American people know that this body gives its stamp of approval to the shoddy business practices of the Nation's debt collectors.

There is no middle ground in this legislation. I want the Members to be made aware of that before they cast their votes.

When the legislation was before this body under the suspension calendar last week, some Members were concerned that the legislation preempted the rights of the various States to enact their own laws. Unfortunately, there are some 13 States that do not have debt collection laws and of the remaining States that do have laws most of them are not ever worth the paper upon which they are printed. However, because debt collection abuses are so horrendous and the problem is so great, I am willing to leave the regulation of debt collectors operating solely within the boundaries of a single State up to the legislative bodies of those States.

Mr. Chairman, I realize that in recent weeks and particularly during the last few days, Members of this body have been contacted by debt collectors urging the defeat of this legislation or suggesting crippling amendments. I would point out to those Members that the two largest trade associations of debt collectors have supported the bill and one of the trade associations, the American Collectors Association, the largest group, has even publicly stated that it disavows the attempts of any collector to amend or defeat the legislation. I can only suggest, therefore, that if the reputable debt collectors are supporting the bill and are not endorsing amendments, that the debt collectors who are pressuring Members represent the unethical collectors or those who believe in violence or other similar scare tactics. Hopefully the Members of this body will stand up to those merchants of misery who believe that the end justifies the means in trying to collect a debt, even if the person they are after does not owe the debt.

I am certain that during the debate today someone will raise the argument that this legislation is designed to help those who do not want to pay their debts, or as the debt collectors call them, "deadbeats." Of course, this legislation has no such objective and anyone who has read the hearings or read the report or read any of the statements surrounding the hearings would realize that the bill does not protect deadbeats. The primary objective of this legislation is to make certain that debt collectors operate as law-abiding citizens, not as criminals or hoodlums.

Mr. Chairman, it would amaze the people of this body the numbers of consumers who are wrongly pursued by debt collectors. People with common last names are prime targets of these vultures. Since most debt collectors work on a commission basis, their only thought is to collect enough money so that they can get paid.

As an example of how uninterested debt collectors are in the correctness of the debt, I would point to a provision of the legislation that requires a debt collector to give the consumer the name and address of the business that sent the debt to the collector. You would think it would be a very simple task for a debt collector to inform the consumer that the debt in question is owed to the ABC Business which is located at such and such an address. The debt collectors, however, fought that provision with all of their weapons. They were even so bold as to admit that in many cases they do not know the address of the person that sent them the debt to be collected. And with the advent of computers the situation is even worse. One company's computer merely spits out a list of overdue accounts, and forwards them directly to the computer of the debt collector. That debt collector has no way of knowing whether or not this is a bona fide debt nor does the debt collector care. To a debt collector the only debt that is not bona fide is one on which he cannot collect money.

A further example of how slippery some debt collectors can be occurred during one of the markup sessions on the legislation when a provision was placed in the bill that came directly from the code of ethics of one of the debt collectors' trade association. The debt collectors objected to the provision, and when it was pointed out to them that it came directly from their code of ethics, they in fact disavowed their own code of ethics.

If this body fails to pass the Debt Collection Practices Act, I want Members to know some of the types of practices that they will be approving. A "no" vote will be a stamp of approval for the debt collector who stole the crutches of a paraplegic widow and refused to return the crutches until the disputed bill was paid.

A "no" vote will be a stamp of approval for the debt collector who notified a woman that her young child had been seriously injured and was being treated in the emergency room of the local hospital. When the woman arrived at the hospital she was confronted by a debt collector who informed her that there had been no accident and he wanted to talk to the woman about a debt.

A "no" vote will indicate approval for the debt collection practice known as "beating." This is the practice of calling a consumer every 5 minutes either at home or at his place of work in hopes of harassing the consumer into paying the debt.

A "no" vote will mean a stamp of approval for the debt collection practices of disguising collection agents as policemen, as sheriffs, and as FBI agents and telling the consumers they will be thrown into jail unless a debt is paid.

A "no" vote will indicate approval for the debt collection practices of calling a mother and telling her that unless she pays her bill the local government will take her children from her and place them in a foster home, she is a deadbeat and therefore an unfit mother.

Mr. Chairman, I could spend all of my time describing many of the techniques that appear in the hearings and the records of the hearings of this subcommittee, tactics which are used by debt collectors, but I think the question is very clear to all of us mature Members of this body who are politically oriented and know what is going on in our own districts and in our own neighborhoods and in our own States.

In closing let me point out that re-

cent public opinion polls have shown Congress to be held in low ratings in the eyes of the American people and many Members will remember the frustrations of the public during the energy crisis which resulted in bumper stickers which read:

Please let me have just enough gas to get to the polls on election day.

From the letters I have received from consumers and the support that this bill has received from the Consumers Federation and organized labor and many interested citizen groups throughout America, it is quite clear that the public wants something done about the debt collecting. Today we have an opportunity to do something. We have an opportunity to restore some of this prestige in the eyes of the American people. We cannot restore this by a vote to approve the criminal actions of a debt collector. We can restore public confidence by letting everyone know that this body is still the House of the people and that we support human dignity and human decency. We can show our support of these principles of human dignity and human decency by voting for a bill that is truly a people's bill.

In my own State of Illinois the people of Illinois waited 11 years for a bill to be put on the statute books of that State. But we American people have been waiting for the Congress to take action, that day has come, and this is our opportunty to take that action by voting "yes" on this legislation.

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

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

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

I commend the gentleman from Illinois, the author of the bill, for his leadership in his fight for this bill, legislation that deals with the abuses of debt collectors.

I would suggest that every Member of this House look at the chart in the well and look at the literature and the types of abusive practices committed by our debt collectors. For those uninitiated and uninformed, I would point out the receipt of that type of letter or document is a frightening and coercive experience as well as cruel to the recipients.

I would suggest the most damaging testimony against the abuses is contained in that display the gentleman has made available. I congratulate the gentleman for his imagination in presenting this and making the information available to the Members of the House.

Mr. ANNUNZIO. I thank the gentleman from New York for his very constructive remarks and the contribution that he has made here today is one I know is based on his vast experience as one of the most highly decorated police officers in the State of New York. I know that he truly understands and has come into contact with the people who have suffered the punishment of these bounty hunters.

Mr. WYLIE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as I mentioned last Monday when this bill was on the floor on the Suspension Calendar, I believed this to be a good bill which establishes reasonable standards of conduct for the debt collection industry. I believed this to be a good bill last Monday and I thought everyone would be for it. That did not prove to be the case for one reason or another. I thought it behooved me to analyze in retrospect why the bill was not passed unanimously since I felt it to be a good bill which addresses a real problem.

Mr. Chairman, I think the reason that the bill did not pass on the Suspension Calendar, or the primary reason, at least, was the argument that we should be against Government intervention, or the feeling of our friends that the Government should not pass a law which would harass the small businessman or small firm in the debt collection business. I understand this, because I have been making speeches just like that myself. I believe sincerely that there is too much governmental redtape and too much governmental regulation.

There is a precedent which would be set by this bill, which I recommend for other bills and that is that the Federal Trade Commission, which would have enforcement authority, would not be given rulemaking power, so that it could not go beyond the pages of this bill and project itself into the lives of small businessmen beyond what this Congress says it should.

Now, I might add that when the original bill was introduced, I was skeptical of a law to regulate the practice of debt collection. My experiences with debt collectors and the debt collection industry have been most favorable. As a practicing lawyer for a rather large law firm in Columbus, we had clients who came to us and asked us to collect debts from their customers. We frequently used the services of the Columbus Credit Bureau, which was just down the hall from us, which is a private debt collection firm. They did a really fine job. The agency was knowledgeable. It was ethical. It was competent and it performed a real service for the community at considerably less cost then we could ever collect the debt.

Now, we do not want to pass a bill which would impair the ability of the honorable, honest and ethical debt collector from performing a valuable service to his community. The people who are involved on the collectee end of debt collection are always people who have not paid their bills, or at least so I thought at first; but I found out that in some cases the same debt collectors were harassing people in error and that there were cases of mistaken identity and that there have been abusive practices which ought to be corrected.

I also found out as a result of testimony which was taken before our committee that in many instances the debt collector in dealing with deadbeats and so he is not expected to get very good results by using the Marquis of Queensbury rules in all cases. As I mentioned earlier, I did not sponsor the original debt collection bill for these reasons and also because of the heavy recordkeeping requirement which was in the original bill and the possible increase in the cost of doing business. If there is anything that small business does not need, I repeat, it is more paper work. Small business could be choked to death with Government redtape; but after a series of hearings, I became convinced that there are unscrupulous people in the debt collection business in some cases disguising themselves as attorneys or accountants, using deceptive practices, such as wearing policemen's uniforms or using phony legal papers or harassing tactics of the day and night. A telephone call at 3 or 4 o'clock in the morning on successive nights will get attention real quick. We found that this had been done in some cases.

In other cases, practices were used which destroyed the credit reputation of consumers who disputed the debt and claimed they never incurred the debt in the first instance.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WYLIE. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, we do not want to throw out the baby with the bath water; but I think there is a legitimate concern about certain debt collection practices which ought to be prohibited. After having listened to witnesses on both sides of this bill and in an attempt to write a reasonable law which would not be unnecessarily restrictive and might even help the ethical debt collector, I found that most debt collectors, after talking to them, do not live in a dream world.

They are much too close to economic reality to be philosophers. They have heard many alibis and suffered through many a trail of broken promises. The professional debt collector is a person who knows instinctively that you do not get something for nothing. I understand all that.

I also listened to the witness who got religion and testified that he had attempted to collect a debt by calling from a hospital emergency room to a young woman and telling her that her small child was in the emergency room in critical condition, after identifiying himself as one of the staff. When she rushed into the hospital, he grabbed her and told her that her son was not in an accident. He told her that he had not been able to get in touch with her and that this was the only way he could get in touch with her. So, she gave him a check to get rid of him. I will not go into complete details, but there were several reasons such as sickness in the family, as to why she had not been able to pay the bill. I know that no ethical debt collector would do that, but this is one of the many resourceful methods which were used by persons who are unethical and in the debt collection's business.

So, a bill which would prohibit practiies like that, I think all the Members will agree, would be a good bill. I think at the same time, it would help—as I said before—the ethical debt collector, and that is the general tenor of this bill which is before us today. I will put in the RECORD at this point a summary of the provisions of H.R. 13720 and what it does:

Sec. 802 provides for the definition of certain terms used in the bill. Among the more

important terms is the definition of "debt collectors" and the definition of the term "communication."

This bill applies exclusively to independent debt collectors, in other words, those who collect on behalf of others. It does not apply to in-house collection agencies. And it does not apply to the business debt—only individual debts.

The term "communication" is defined as an actual contact by the debt collector of the consumer and must include a statement by the consumer of his present intentions with respect to the repayment of the debt.

Sec. 803 is entitled "Acquisition of Location Information." In the jargon of debt collectors, it is known as "skip tracing." It describes the investigative work that debt collectors do to find the whereabouts of a consumer who has left town without giving a forwarding address.

In following up leads to locate a consumer, the collector is not permitted to disclose the purpose of his inquiry. Furthermore, the collector may only use the telephone, mail, or telegram to acquire location information. Personally, I think a debt collector ought to be able to go to the door of consumers if he does not have a phone—Tracking down—might meet his aged mother at door or manager of rooming house.

Sec. 804 is the very heart of the debt collection bill; it defines the times, the places, and third parties debt collectors can contact in attempting to collect a just debt. Collection attempts must be made during the hours of 8 a.m. and 9 p.m. Efforts to collect are to be directed at the consumer or his spouse; third party contact is prohibited. Ordinarily the consumer is contacted at his home.

However, if the debt is at least 60 days overdue and $100 or more, then the collector can contact the consumer at his place of employment twice a month. This section also provides that a collector must cease his efforts when a consumer absolutely refuses to pay. Then he returns to creditor as an uncollectible debt. American Collectors Assoc. has this in Code of Ethics. Finally, when a consumer sues a collector, the consumer must at least make a prima facie case.

Sec. 805, "Harassment or Intimidation," forbids the use of threats, violence, profane language, or any criminal means to harm the reputation, the person, or property of any consumer.

Sec. 806 prohibits the use of false or misleading representations in attempting to collect debts. There are sixteen listed prohibitions. For example, the false representation that the collector is acting on behalf of the United States or any state is expressly prohibited. In a general way, this section prohibits the use of trickery when engaged in debt collection.

Unfair practices are strictly prohibited by the provisions in Sec. 807. It makes the solicitation of post-dated checks permissible. However, the collector must notify the consumer three days before deposit. This section also forbids the imposition of any hidden charges or fees.

Sec. 808 entitled the "Validation of Debts" outlines what debt collectors must do to insure against mistaken identity or attempting to collect at the wrong address. This section is patterned after a section of the Fair Credit Billing Act which seems to be working well.

Sec. 809 provides that if any consumer is indebted to more than one creditor and the consumer makes a payment to the collector, then the collector must distribute the payment among the creditors in accordance with the consumer's preferences.

Sec. 810 requires that debt collectors may not bring legal actions against consumers at inconvenient forums. This is designed to prevent court actions hundreds of miles away from the home of the consumer or where the contract was made.

Sec. 811 dealing with civil liability states the penalties for violation of this act. A civil liability section similar to this one is standard for all titles of the Consumer Credit Protection Act.

Sec. 812 is the criminal liability section which makes it a misdemeanor to willfully and knowingly violate this title.

Sec. 813 is unique in the sense that while the Federal Trade Commission is given enforcement authority under this act, they have "not" been given rule writing authority under this act. Therefore, the act stands to fall on its face.

Sec. 814 mandates yearly reports to Congress on the enforcement of this act by the FTC and the Department of Justice.

Sec. 815 and Sec. 816 refer to state laws where they are inconsistent with this act.

Sec. 817 makes the effective date of this title six months after enactment.

There is one amendment which I mentioned in passing a little while ago which I recommend to the Members, which I think ought to be followed in other bills. This would give the Federal Trade Commission the responsibility of supervisory control and enforcement assistance, but at the same time we specifically say that the role of the Federal Trade Commission does not include regulation or rulemaking power. If there is some doubt in the mind of someone at the Federal Trade Commission as to what authority he has, he must come back to Congress for instructions.

I would not support any legislation which would force creditors to skip the collection process altogether and either write off a bad debt or go to court. Our courts are all too clogged with cases as it is. And if the debt collection business is wiped out some retailer may turn to dealing on a cash-and-carry basis, thereby denying credit to those who really need it the most. I do not want to encourage the attitude that you can get something for nothing, especially in economically depressed times when persons who are honest might be tempted to evade just debts, and in the long run a rising level of debt writeoffs will add to the cost of doing business.

So, what we need to do, as I said at the outset, is write a reasonable bill which would not encourage the deadbeat, and will also protect the honest debt collectors. I think we have come up with a bill such as that.

In that spirit, I would compliment the chairman of the subcommittee, the gentleman from Illinois (Mr. ANNUNZIO) for agreeing to several revisions of his original position. As a matter of fact, the bill has been rewritten three times. We thought it satisfied everybody until it came to the floor last Monday. We thought it satisfied the trade associations who represent the debt collectors, and we also drafted the bill to satisfy the concerns of some that we are overregulating and that Government should not intervene any more than necessary in the regulation of small business or any business enterprise.

The bill does not go far enough for some of the consumer protection agencies. We are told that it goes too far as far as independent debt collectors are concerned. So I think it is fair to say that the bill goes just about far enough. As legislation, I think it strikes a happy medium and in my judgment is just about right. I would suggest sincerely that it is a good bill for the Members of this body to vote for today, and I commend it to you for passage.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BROOKS) to speak out of order.

(By unanimous consent, Mr. BROOKS was allowed to speak out of order.)

LEGISLATION INTRODUCED TO AMEND THE PRESIDENTIAL TRANSITION ACT OF 1963 TO INCREASE THE FUNDING AUTHORIZATION IN THAT ACT

Mr. BROOKS. Mr. Chairman, I have today introduced legislation which will amend the Presidential Transition Act of 1963 (3 U.S.C. 102 note) to increase the funding authorization in that act. The 1963 law authorized an expenditure of up to $900,000 to cover expenses of the President-elect, the Vice President-elect, the former President and former Vice President. The funds to the President-elect are to be used to help defray the expenses incurred in setting up his administration from the day after the election until his inauguration. The funds available to the former President are to be used within the first 6 months after he leaves office.

My legislation provides for an authorization of $3,000,000 for the purposes enumerated in the act. In the 13 years since this bill was enacted, the cost of goods and services has risen so sharply that this increase is necessary in order to provide adequate funding for these important purposes. Even in 1963 when the existing amount was set at $900,000 the GAO testified that a Presidential transition would realistically run $1.225 million. In 1968 the President-elect alone reported spending $1.5 million in connection with taking office.

In addition, Mr. Chairman, my legislation would divide the money so that $2 million would be allotted for the benefit of the President-elect and $1 million for the benefit of the former President. The present law is silent on how the money is to be divided. There is no question that a Presidential transition is costly for both the incoming and outgoing administrations. However, the evidence indicates that the expenses incurred in setting up a new administration with the necessary talent searches for competent personnel are considerably greater than the cost of winding down an outgoing administration.

Of course there may not be a change in administrations next year but if there should be, we should act now to make sufficient funds available to make the transition orderly and productive.

The bill is as follows:

H.R. 14887

A bill to revise appropriation authorization for the Presidential Transition Act of 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended to read as follows:

"SEC. 5. There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act, except that with respect to any one Presidential transition—

"(1) not more than $2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect

and Vice President-elect under section 3, and

"(2) not more than $1,000,000 may be appropriated for the purposes of providing services and facilities to the former President and former Vice President under section 4.

The President shall include in the budget transmitted to Congress, for each fiscal year in which his regular term of office will expire a proposed appropriation for carrying out the purposes of this Act."

SEC. 2. The amendment made by the first section of this Act shall take effect on—

(1) the date of enactment of that Act, or

(2) October 1, 1976, whichever is later.

Mr. ANNUNZIO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland (Mrs. SPELLMAN).

Mr. Chairman, will the gentlewoman yield?

Mrs. SPELLMAN. I yield to the gentleman from Illinois (Mr. ANNUNZIO).

Mr. ANNUNZIO. I thank the gentlewoman for yielding.

Mr. Chairman, I want to compliment the gentlewoman in the well for her hard work on this legislation. It was through her efforts and her long experience in the State of Maryland, along with the efforts of the gentlewoman from New Jersey (Mrs. FENWICK), who, when they were first elected to the Congress and assigned to my subcommittee met with me, and urged me to investigate the debt collecting industry. So I want to commend the gentlewoman from Maryland (Mrs. SPELLMAN) and the gentlewoman from New Jersey (Mrs. FENWICK) for their hard work on the subcommittee.

Mrs. SPELLMAN. I thank the chairman for his remarks. It has been indeed a real pleasure and an invaluable experience to work on the gentleman's committee and under his guidance and under his leadership. It is we who have been privileged, and we thank the gentleman for that opportunity.

Mr. Chairman, I would like to address myself to the real need for this legislation. Let me first make it clear that I resent deadbeats. I resent people who buy more than they can pay for, because all of the rest of us are penalized. We pay higher prices to cover the losses that they create, and I, therefore, have no problem with the practice of debt collection. I want like everything to zero in on deadbeats. But explore with me for the moment the motivation of a debt collector who gets paid only if he collects. Some agencies use this method of payment as an incentive to their collectors.

As we found out in our hearings, this "Pay up or else" method works, but often at the expense of the civil liberties of the consumers involved. A collector who knows that he is not going to be paid if he does not collect is not going to waste his time trying to collect from a deadbeat. Deadbeats simply are not worth the chase; they know the game all too well. So they are allowed to have a free ride. The investigation by the Subcommittee on Consumer Affairs into the debt collection industry has found that this is true.

Those collectors who receive a percentage of the amount that they retrieve work primarily on nondeadbeats, on those people who, through some unfortunate chain of circumstances, find themselves in a position where they are unable to pay for debts which they incurred in good faith. Unfortunately, often great personal abuse is inflicted on these people, and as a result there has been created a need for the protection which this bill proposes.

The testimony at the hearings brought out the fact that without the force of Federal law the collector often will go after the consumer whom he will most likely be able to coerce into payment. This is usually the first-time-in-default type of debtor. There is no doubt in my mind now that these coercion attempts often do get out of hand.

I would remind the Members that I am not criticizing all collection agencies. There are many who conduct their businesses in an atmosphere of professionalism which requires that employees adhere to certain standards. I have seen agencies which self-discipline those who do not, and I have no quarrel with those collectors. It is my feeling they will go on doing business as usual under this bill.

But it is the collector who knows that his quarry—and I use that word advisedly—has gotten in over his or her head because of an unexpected reduction in pay or because perhaps he or she simply does not have the money to pay that we are concerned with. It is then that the repeated calls, abusive name-calling, slandering of reputation, and calling the consumer's place of work repeatedly, come into play. It is those practices that are most likely to step over all accepted lines of decency.

We heard testimony in committee of some really dastardly practices, and today we heard the testimony of a woman who was called and told she should go to the hospital because her child had been seriously injured when, indeed he had not been. It was a cruel hoax. It is those kinds of practices that we must put an end to.

Let us not ignore the fact that individuals who owe money do have rights. This is the first piece of legislation to come out of Congress which seeks to guarantee that certain protective criteria are met when one individual or business attempts to collect moneys from another.

I do not think it is too much to ask that Federal guidelines be set which outline accepted practices, because we have found it is just too easy in the heat of an attempt to collect to put a little too much pressure on. Now, with the guidelines set down very clearly in this bill, each collector can claim no excuse for stepping over the lines of decency into the abusive or harassing category.

Let me say again that the bill is designed to eliminate those abuses which we found most flagrant. I am not claiming that the majority of attempts to collect fall into this category, because most of them do not. I state only that they are common and that there is a documented need for some protection to guard against the abuses. There is irony in the fact that it is the person who desires most to pay his debts who is the easiest target for unscrupulous collectors, and is therefore subject to the worst abuses.

The CHAIRMAN. The time of the gentlewoman from Maryland (Mrs. SPELLMAN) has expired.

Mr. ANNUNZIO. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Maryland (Mrs. SPELLMAN).

Mr. LONG of Maryland. Mr. Chairman, will the gentlewoman yield?

Mrs. SPELLMAN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I congratulate the gentlewoman on her excellent statement.

There is one aspect of this that bothers me, and that is the fact that many of these things that are outlawed under this legislation would, it seems to me, have to be illegal in any case. It is also my understanding that there are State laws against many of these practices, but we have a problem of enforcement. A good many States just do not enforce the law.

I am just wondering whether we ought to be having the Federal Government used in a sense as a dumping ground for law enforcement in a lot of cases in which local law enforcement just is not adequate.

Mrs. SPELLMAN. I want to say to my colleague, the gentleman from Maryland (Mr. LONG), that right here in the Metropolitan Washington area we have a perfect example of how State laws will not serve to cut back on these kinds of abuses.

Maryland may have one law, Virginia another, the District of Columbia still another; and we reside in these various jurisdictions and are served by firms in the various jurisdictions.

Therefore, in the metropolitan areas, of all places, these kinds of laws or these kinds of regulations really have to be of national scope. That is one of the reasons we need this law.

We have learned that in the State of Maryland there were considerable abuses. I was surprised to learn that in our own State these kinds of things were occurring. It became clear that this legislation is absolutely necessary.

Mr. LONG of Maryland. Could the gentlewoman give us some idea of the size of the machine needed here and how big a bureaucracy is going to be required?

Mrs. SPELLMAN. There really should not be any, but I note that the chairman would like to address that question.

The CHAIRMAN. The time of the gentlewoman from Maryland (Mrs. SPELLMAN) has expired.

Mr. ANNUNZIO. Mr. Chairman, I yield 1 additional minute to the gentlewoman from Maryland.

Mr. Chairman, will the gentlewoman yield?

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

Mr. ANNUNZIO. Mr. Chairman, I would like to say to the gentleman from Maryland (Mr. LONG) that the enforcement of the regulations is under the Federal Trade Commission. There will be no need for additional machinery.

Mr. LONG of Maryland. If the gentlewoman will yield further, I am not quite sure I follow just how we can enforce something like this without considerable machinery.

Mr. ANNUNZIO. The Federal Trade Commission is already doing it.

Mr. LONG of Maryland. Will they not

need additional staff and bureaucracy in order to deal with it?

Mr. WYLIE. Mr. Chairman, if the gentlewoman will yield, I do not think any additional personnel will be needed to enforce this bill. As I understand it, the bill will provide an opportunity for the consumer to bring the action under the bill himself. That is the whole purpose of the bill.

The CHAIRMAN. The time of the gentlewoman from Maryland (Mrs. SPELLMAN) has again expired.

Mr. ANNUNZIO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to say to the gentleman from Maryland (Mr. LONG) again that the enforcement comes under the Federal Trade Commission. Consequently, there will be no need for additional manpower since that Agency already has the staff.

In other words, the Federal Trade Commission is not drawing up rules and criteria, it is merely getting new powers. The bill will have them. These are the regulations to be enforced by the Federal Trade Commission.

Mr. ICHORD. Mr. Chairman, will the gentleman yield to me for an answer to the question presented by the gentleman from Maryland (Mr. LONG).

Mr. ANNUNZIO. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I observe in section 805 of the bill that one of the acts prohibited on the part of any debt collector is the use of abusive or profane language.

Then in section 812 it says that whoever willfully fails to comply with any provision of this title "shall be fined not more than $5,000 or imprisoned not more than 1 year, or both."

Who is going to be making the arrests for the use of this profane and abusive language? Are we going to set up a national police force?

Mr. ANNUNZIO. Mr. Chairman, to answer the gentleman, under the bill consumers can sue, and the individual must be found guilty. In other words, the enforcement of this bill is already provided in the Consumer Credit Protection Act.

Mr. ICHORD. If the gentleman will yield, the consumer does not sue in a criminal action.

In this bill, section 805 states that it shall be a crime to use abusive or profane language, a Federal crime, and then says that the person or firm shall be subject to a $5,000 fine.

Mr. ANNUNZIO. In a criminal action the Attorney General will sue.

Mr. ICHORD. Who is going to make the arrest, though? Are we going to turn the FBI into a national police force or what?

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

Mr. WYLIE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as I see it, the procedure followed would be like it is with respect to any other criminal law. The bill provides that acts are misdemeanors.

Mr. ICHORD. If the gentleman will yield, it provides a penalty of 1 year in jail if one uses abusive or profane language.

Mr. WYLIE. The person aggrieved would go to the prosecuting attorney and say, "This has happened and I would like to file an affadavit against a debt collector for acts prohibited by law."

I do not think that there would be any widespread dragnet operation undertaken by police departments or anything like that.

Under any present criminal law, if a person is aggrieved, he can go down and file his own affadavit to that effect, and that initiates criminal prosecution.

At that time then the prosecuting attorney prosecutes the case on behalf of the aggrieved party. That is the usual procedure in criminal cases. That was the procedure when I was a prosecuting attorney.

Mr. ICHORD. The gentleman does not anticipate giving the FBI jurisdiction in this bill?

Mr. WYLIE. There is no FBI jurisdiction in this bill.

The CHAIRMAN. The time of the gentleman has expired.

The Chair will state that the gentleman from Ohio (Mr. WYLIE) has 10 minutes remaining and the gentleman from Illinois (Mr. ANNUNZIO) has 5 minutes remaining.

Mr. ANNUNZIO. Mr. Chairman, I reserve the balance of the time. I have no further requests for time.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I rise in earnest support of this legislation. I know the bill has been questioned as to whether it is necessary but I think the gentlewoman from Maryland (Mrs. SPELLMAN) has covered that point.

Certainly as the consumer director in New Jersey, I became aware of this as a serious consumer problem, not because many people in New Jersey failed to pay their debts nor because New Jersey has an unusually vigorous debt collection association, quite to the contrary, but because there are always in every profession and in every occupation a few who do not and will not adopt the most ethical and honorable practices.

When I became aware of this through complaints of consumers, I got in touch with the head of the organization of the Association of Debt Collectors, and he was made aware, which he had not been, being one of the honorable ones, of the harsh demands and cruel and brutal methods that were being used.

Some people really do not believe this. And it is hard to believe until a person tells you of the conversations they have been subjected to and until you see the kind of letters they have received—false and misleading letters—suggesting that they are somehow connected with the judiciary, that they are somehow connected with the courts and that they somehow have official sanction. This is not only true within the State but from out of the State, not only from our neighboring States, but from States much further away.

I really believe that this is a very valuable piece of consumer legislation. It is prudent. It does not go as far as many people would like it to go, but it does set some limitations on the extraordinary lengths to which, I regret to say, a few in this profession will allow themselves to go.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, in one of the last decade's better known musicals, "My Fair Lady," there is a touching scene about poor Eliza Doolittle who left Prof. Henry Higgins and was about to marry Freddie Eynesford-Hill. Professor Higgins predicts the great plight in which she will find herself and the bloom in her cheeks will soon, he says, turn to chalk. Not only that, but there will be debt collectors beating at her door.

In both song and in fact over the years we have been cautioned on the importance of the payment of one's debts, and instructed about the obloquy and public scorn that faces the deadbeat.

I saw recently on television that one of the major Presidential candidates in the Democratic Party had his American Express card revoked because he had run up a bill of $123,000 in campaign debts and had not paid for several months. I am sure that was embarrassing to him. It can happen to anyone.

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

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

Mr. WYLIE. Mr. Chairman, I would state to the gentleman from Maryland that what he is referring to was a business expense and is not covered by the bill.

Mr. BAUMAN. I would agree it is a business expense, in some instances. But in the case of this candidate, knowing his activities in politics I do not think it is a business but a profession with him. Nevertheless, all three national networks exposed him for not paying his account.

I bring this up because I think the gentleman from Illinois, who has done a commendable job in advancing his views on this bill, and who made a very impassioned speech—has really ignored the central thrust of what the bill attempts to do. But I should not suppose it is too unusual for a Congress which will not pay the national debt to be concerned about others paying $3 billion annually in private debts. That really is quite consistent with congressional economic policies generally.

The truth of the matter is that most of the offenses that this bill outlaws on the part of debt collectors, as I read them, are in most States either already common law or statutory crimes, or civil torts, or, in fact, could be the subject of complaints at various consumer protection agencies, which many cities and States now have.

Just look at the list of acts this bill makes into Federal crimes; abusive language; threats of physical violence; use of misleading documents; impersonation of police, and court officials.

The gentleman from Missouri (Mr. ICHORD) has put his finger on it. A whole new Federal attorney and court system will be required for the enforcement of

this, even though Federal officials are already burdened with narcotics, interstate crime, the Mafia, and everything else. Now they will be asked to go out and find out whether Joe Doakes of the Doakes Collection Agency has used abusive language over the telephone at 2 o'clock in the morning to collect a debt.

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

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

Mr. ICHORD. I thank the gentleman for yielding.

Supposing the gentleman from Ohio (Mr. WYLIE) one of the authors of this bill, has a debtor owing him a debt which he will not pay—and the gentleman from Ohio I know does not use this type of language—and it is a crime to use abusive and profane language. It is a very vague, ambiguous term, to say the least. But supposing he says, "Why in the hell don't you pay your debts?"

Would that be a crime?

Mr. BAUMAN. The gentleman from Missouri may have just violated the House rules, for all I know.

Mr. ICHORD. If the gentleman will yield further, I have heard this language used on the floor of the House.

Mr. BAUMAN. But also it would be a Federal crime, if he is a debt collector, if this bill becomes law.

I think the gentleman has put his finger on an important aspect of this bill. It creates an extensive new area of Federal crimes that must be enforced by the Federal judiciary and the U.S. Attorney's Office.

May I suggest one thing. I believe imprisonment for a debt is constitutionally impossible; in most States it is a statutory impossibility. We fought a revolution about imprisonment for debts, but yet we are here making it a crime to try to collect a debt.

Mr. ICHORD. If the gentleman will yield further, I agree with the gentleman. But of more concern, I am afraid we are going to bog down the Federal court system.

Mr. BAUMAN. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WYLIE. Mr. Chairman, I yield 2 additional minutes to the gentleman.

Mr. Chairman, will the gentleman yield?

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

Mr. WYLIE. I thank the gentleman for yielding.

If the abuses the gentleman speaks about are so widespread, that is an argument in favor of the bill. We ought to have it. We have talked about threats and harassment in the bill. They are not necessarily words of vagueness. All we have to do is go to the dictionary to find out that "harass" means to worry and impede by repeated raids; exhaust, fatigue; to annoy continually.

Harass is to harass in a manner to injure, grieve, or afflict; to cause to suffer because of belief; to annoy with persistent or urgent approaches: to pester. That is all I am talking about.

Mr. BAUMAN. I thank the gentleman for his definitive statement on harassment. Referring more specifically to some of the provisions of the bill so the Members know what they are voting on, it does not take away crutches from injured people but, for instance, it makes it a crime to call debtors before 8 a.m. and after 9 p.m.

The gentleman from Maryland rarely is at home after 8 a.m.; he never gets home before 9 p.m., and he assumes that he now is immune from debt collection. If one were to look at my financial statement, this might be of some concern to some of my creditors.

The bill says if a consumer refuses to pay or even discuss an account with a debt collector, the collector has to go to court.

In most cases of small debts one would not bother going to court because the contingent fee of the lawyer would be so great it would not be worthwhile.

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

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

Mr. WYLIE. I thank the gentleman for yielding.

I know the gentleman well enough that he would give a debt collector permission to call him at other times, which is provided for in the bill. I daresay he would be home at 8 o'clock in the morning for breakfast.

Mr. BAUMAN. I am rarely home at 8 o'clock in the morning, but my breakfast habits are neither here nor there.

We are intruding the Federal Government into another area for which most States have already adequately provided. The States do have remedies. The Federal Government should not, in my opinion, be extended into this debt collection area. Enough is enough.

The CHAIRMAN. The time of the gentleman has expired.

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

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

Mr. WYLIE. One of the reasons we are here today, Mr. Chairman, is because the enforcement authorities in many of the States where there are laws similar to this proposed one which is before us today—and there are 38 States which have such laws—said it did not apply in interstate commerce and did not apply across State lines, and they suggested we pass a law which would permit them in some cases to pursue a person who violated their State laws or a law similar to their State laws across the line.

A little later on I will have an amendment to offer which will say this bill will apply only to interstate commerce and it will allow State officials to enforce the State law if there is a violation of State law and not a violation of Federal law. But we were asked by the people who have the jobs of enforcing the State laws to enact some Federal law which would permit them to go across the State line in California or some other States which have the laws—and in Ohio we do not have such a law.

Mr. BAUMAN. The gentleman's amendment is a small ornament on an otherwise barren tree.

Mr. FAUNTROY. Mr. Chairman, I am extremely pleased to have this opportunity to join with my distinguished colleague from Illinois in supporting legislation that would prohibit the harassment and intimidation being suffered by consumers through unethical debt collectors.

While the services that many collection agencies perform is of value to the economy as a whole, some of them have engaged in practices that must be terminated at once. While these abuses are carried on by only a few, their actions have created havoc with thousands of lives. I, along with members of the House Consumer Affairs Subcommittee, have received dozens of letters from consumers which exemplify the myriad abuses which some collection agencies can and have perpetrated under present law. Some of the more prominent forms of abuse by collection agencies in dealing with consumers who owe a debt, include the use of obscene language, the making of harassing or threatening phone calls, the obtaining of personal information by false pretenses, the threat of imprisonment, the threat of injury, and the use of false identification as an agent or officer of the Government.

I certainly have no intention of encouraging debt delinquencies. I firmly believe that everyone who owes a debt should make an effort to pay it. However, one who owes a debt should not have to incur the types of abuses which I just outlined. Since the intent of this bill is merely to establish consistent parameters in which a collector can act, the ethical collection agencies will have no problem with this legislation. As a matter of fact, most collection agencies should be helped by this bill which tries to end the abuses that have brought shame and disgrace to everyone who has engaged in what is basically a very legitimate enterprise.

Some critics of this bill have claimed that it allows the Federal Government to intrude into yet another area of private activity. The fact remains, however, that State law is not an adequate refuge behind which we can hide. Thirteen States do not even have debt collection regulations and among those States that do have laws pertaining to this matter, many are weak and unenforceable. Furthermore, the most flagrant abuses by collection agencies have involved interstate cases. Only a single standard for the regulation of debt collection practices can eliminate these abuses.

Before I relinquish my time, I want to commend Chairman ANNUNZIO of our Consumer Affairs Subcommittee, for the efforts he has undertaken in making this bill an extremely effective piece of consumer legislation. This bill will clearly benefit millions of consumers, particularly those who are so often forgotten—namely, the poor and downtrodden, who because of their limited resources, are the most abused by the collection practices.

I yield back the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the

Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—DEBT COLLECTION PRACTICES

"Sec.
"801. Short title.
"802. Definitions.
"803. Acquisition of location information.
"804. Communication in connection with debt collection.
"805. Harassment or intimidation.
"806. False or misleading representation.
"807. Unfair practices.
"808. Validation of debts.
"809. Multiple creditors.
"810. Legal actions by debt collectors.
"811. Civil liability.
"812. Criminal liability.
"813. Administrative enforcement.
"814. Reports to Congress by the Commission and Attorney General.
"815. Relation to State laws.
"816. Exemption for State regulation.
"817. Effective date.

"§ 801. Short title

"This title may be cited as the 'Debt Collection Practices Act'.

"§ 802. Definitions

"(a) The definitions set forth in this section are applicable for purposes of this title.

"(b) The term 'Commission' means the Federal Trade Commission.

"(c) The term 'consumer' means any individual obligated or allegedly obligated to repay any debt.

"(d) The term 'creditor' means any person who offers or extends credit creating a debt or to whom a debt is owed.

"(e) The term 'debt' means any obligation arising out of a transaction in which credit is offered or extended to an individual, and the money, property, or services which are the subject of the transaction are primarily for personal, family, or household purposes.

"(f) The term 'debt collector' means any person who engages in any business the principal purpose of which is the collection of any debt, or any person who directly or indirectly collects or attempts to collect a debt owed or due or asserted to be owed or due another. The term includes a person who furnishes or attempts to furnish forms or a written demand service represented to be a collection technique, device, or systems to be used to collect debts, if the form contains the name of a person other than the creditor in a manner indicating that a request or demand for payment is being made by a person other than the creditor even though the form directs the consumer to make payments directly to the creditor rather than to the other person whose name appears on the form. The term does not include any officer or employee of the United States or any State to the extent that collecting or attempting to collect any debt is in the performance of his official duties.

"(g) The term 'location information' means, with respect to any individual, his place or abode, his telephone number at such place, and his place of employment.

"(h) The term 'State' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing.

"(i) The term 'communication' means conveying information directly or indirectly to any person through any medium, except that with respect to section 804(a)(3), the term 'communication' means actual contact with the consumer which includes a brief statement in any manner of the present intentions of the consumer with respect to the repayment of the debt.

"§ 803. Acquisition of location information

"(a) No debt collector may, in connection with the collection of any debt, communicate other than by telephone, mail, or telegram with any person for purposes of acquiring location information about any consumer.

"(b) Any debt collector communicating with any person for the purpose of acquiring location information about any consumer shall—

"(1) identify himself and, if expressly requested, his employer;

"(2) not state that such consumer owes any debt;

"(3) not communicate with such person more than once unless expressly requested to do so by such person, except for one additional communication to reconfirm location information;

"(4) not communicate by post card or similar device;

"(5) not use any language or symbol, other than the debt collector's address, on any envelope when using the mail or telegrams, except a debt collector may use his company name provided that such name does not indicate that the company is in the debt collection business;

"(6) not use any language or symbol in the contents of mail or telegrams that indicates that the communication relates to the collection of a debt, other than the identification of the person as a debt collector; and

"(7) not communicate with any person pursuant to this section, once the debt collector knows the consumer is represented by an attorney.

"§ 804. Communication in connection with debt collection

"(a) COMMUNICATION WITH THE CONSUMER OR HIS SPOUSE GENERALLY.—No debt collector may initiate communications with a consumer or his spouse in connection with the collection of any debt without the prior consent of the consumer or the express permission of a court of competent jurisdiction—

"(1) before 8 antemeridan or after 10 postmeridian or at any unusual time or time known to be inconvenient to the consumer or his spouse;

"(2) after the initial communication, if the debt collector knows the consumer is represented by an attorney, unless such attorney is unjustifiably nonresponsive to communication from such debt collector; or

"(3) after the initial communication, more than two times during any seven-calendar-day period.

"(b) COMMUNICATION WITH THE CONSUMER OR HIS SPOUSE AT THE PLACE OF EMPLOYMENT.—Without the prior consent of the consumer or the express permission of a court of competent jurisdiction—

"(1) no debt collector may communicate with a consumer or his spouse in connection with the collection of any debt at the place of employment of the consumer or his spouse more than one time; or

"(2) if the debt of a consumer is in the amount of $100 or more, and such debt is at least sixty days overdue, no debt collector may communicate with a consumer or his spouse in connection with the collection of any debt more than once in every thirty-day period at the place of employment of the consumer or his spouse.

"(c) COMMUNICATION WITH THIRD PARTIES.—Except as provided by section 803, no debt collector may communicate with any person other than the consumer or his spouse, parent (if the consumer is a minor), guardian, executor, administrator or attorney in connection with the collection of any debt without the prior consent of the consumer or the express permission of a court of competent jurisdiction, except—

"(1) any employer of the consumer after a court of competent jurisdiction enters a final judgment establishing the consumer's obligation to repay all or any portion of the debt; or

"(2) any consumer reporting agency, as permitted under the Fair Credit Reporting Act.

"(d) CEASING COMMUNICATION.—When a consumer absolutely refuses to pay or even discuss an account a debt collector shall cease further direct collection efforts with the exception of advising the consumer that the collector's further efforts are being terminated and that there is a possibility of an attorney invoking the creditor's remedies locally available.

"(e) BURDEN OF PROOF.—The burden of proof that a consumer has given prior consent to communication from a debt collector under this section shall rest with the debt collector.

"§ 805. Harassment of intimidation

"No debt collector may harass or intimidate or threaten or attempt to harass or intimidate any person in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

"(1) The use of violence or other criminal means to harm the physical person, reputation, or property of any person.

"(2) The use of abusive or profane language.

"(3) The publication of a list of consumers who allegedly refuse to pay debts.

"(4) The advertisement for sale of any debt to co-allegedly refuse to pay debts.

"(5) Any communication to acquire location information about a consumer if the debt collector has such information or does not reasonably believe that such person has access to such information.

"(6) The making of harassing or threatening phone calls or visits to the home or place of employment of a consumer or his spouse or calling any person repeatedly or constantly.

"§ 806. False or misleading representation

"No debt collector may make or threaten or attempt to make any false or misleading representation to any person in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

"(1) Any false representation indicating that the debt collector is acting for or on behalf of the United States or any State, including the use of any badge, uniform, or any facsimile thereof of any law enforcement agency.

(2) The false representation of—

"(A) the character, amount, or legal status of any debt; or

"(B) any services rendered or compensation which may be received by any debt collector for the collection of a debt.

"(3) The false representation that any individual is an attorney.

"(4) The false representation that nonpayment of any debt will result in the arrest or imprisonment of any consumer or the seizure, garnishment, attachment, or sale of any property or wages of any person.

"(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

"(6) The false representation that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to—

"(A) lose any defense to payment of the debt; or

"(B) become subject to any pratice prohibited by this title.

"(7) The false representation that the consumer committed any crime or other conduct in order to disgrace the consumer.

"(8) The false statement to any person (including any consumer reporting agency) that a consumer is willfully refusing to pay a debt.

"(9) The false representation that any writing (including any seal, insignia, or envelope) is authorized, issued, or approved by any court or agency of the United States or any State.

"(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

"(11) The false representation that any person is seeking information in connection with a survey.

"(12) The false representation that any person has a prepaid package for the consumer.

"(13) The false representation that a sum of money or valuable gift will be sent to the addressee if the requested information is presented.

"(14) The false representation that accounts have been turned over to innocent purchasers for value.

"(15) The false representation that any debt has been turned over to an attorney.

"(16) The false representation that documents are legal process forms.

"§ 807. Unfair practices

"No debt collector may engage in the following practices with respect to any person in connection with the collection of any debt:

"(1) The collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) by such debt collector unless such amount is expressly authorized by the agreement creating the debt and is legally chargeable to the consumer, or unless such amount is expressly authorized by a court of competent jurisdiction.

"(2) The acceptance by a debt collector from a consumer of any check or any other negotiable instrument that is postdated, unless such consumer is notified in writing of the debt collector's intent to deposit such check or such instrument at least three business days in advance of the deposit of such check or such instrument.

"(3) The solicitation by a debt collector for the purpose of threatening criminal action of any check or any other negotiable instrument that is postdated.

"(4) The deposit by a debt collector of any postdated check or other postdated negotiable instrument prior to the date on such check or such instrument.

"(5) The use or causing to be used in a debt collector's behalf in connection with the collection of any debt, of any forms, letters, questionnaires, other printed or written material, or other forms of communication which do not clearly and conspicuously disclose that such are used for the purpose of collecting or attempting to collect a debt or to obtain or attempt to obtain information concerning a consumer.

"(6) The placement in the hands of others for use in connection with the collection of any debt, of any forms, letters, or questionnaires or other printed or written material which do not clearly and conspicuously reveal thereon that such are used for the purpose of collecting or attempting to collect a debt or to obtain information concerning a consumer.

"(7) The selling of any debt collection related form to any person who is not defined as a debt collector under section 802 of this title.

"§ 808. Validation of debts

"Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall send the consumer a written notice containing the following information:

"(1) The amount of the debt.

"(2) The name and address of the creditor to whom the debt was originally owed and to whom the debt is currently owed.

"(3) A statement that unless the consumer, within thirty days, disputes the validity of the debt, the debt will be assumed as valid by the debt collector.

"(4) If the consumer notifies the debt collector in writing within the thirty-day period that the debt is disputed, the debt collector shall cease collection of the debt until such debt collector obtains certification of the validity of the debt from the creditor and a copy of such certification is mailed to the consumer by the debt collector.

"§ 809. Multiple creditors.

"If any consumer owes debts to more than one creditor and makes any single payment to any debt collector which respect to such debts, such debt collector shall not apply such payment to any debt disputed by such consumer.

"§ 810. Legal actions by debt collectors

"(a) A debt collector shall not bring any action on a debt against any consumer—

"(1) in the case of any action to enforce an interest in real property securing the consumer's obligation, in a court that does not have jurisdiction in the judicial district or similar appropriate legal entity in which such real property is located; or

"(2) in the case of any action not described in paragraph (1), in a court that does not have jurisdiction in the judicial district or similar appropriate entity—

"(A) in which such consumer signed the the contract sued upon; or

"(B) in which the consumer resides at the the commencement of the action.

"(b) A debt collector shall not cause process in any action on a debt to be served on a consumer unless such process is served by an officer or employee of the United States or any State in the course of the official duties of such officer or employee, or by an individual appointed or approved by the appropriate court for that purpose.

"(c) A debt collector shall not utilize, in connection with the collection of any debt, any officer or employee of the United States or any State whose duties include the service of legal papers, except in the course of such duties.

"§ 811. Civil liability

"(a) Except as otherwise provided by this section, any debt collector which fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of—

"(1) any actual damage sustained by such person as a result of such failure;

"(2)(A) in the case of any action by any individual, an amount not less than $100 nor greater than $1,000; or

"(B) in the case of a class action, such amount as the court may allow, except that (i) as to each member of the class no minimum recovery shall be applicable, and (ii) the total recovery in such action shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the debt collector; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(b) In determining the amount of award in any class action under subsection (a)(2)(B), the court shall consider, among other relevant factors, the frequency and persistence of failures of compliance by the debt collector, the resources of the debt collector, the number of persons adversely affected, and the extent to which the debt collector's failure of compliance was intentional.

"(c) A debt collector may not be held liable in any action brought under this title if the debt collector shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

"(d) An action to enforce any liability created by this title may be brought in any appropriate United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

"(e) No provision of this section or section 812 imposing any liability shall apply to any act done or omitted in good faith in conformity with any interpretation thereof by the Commission, notwithstanding that after such act or omission has occurred, such interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

"(f) A consumer may not take any action to offset any amount for which a debt collector is potentially liable to such consumer under subsection (a)(2) against any amount allegedly owing to such debt collector by such consumer, unless the amount of the debt collector's liability to such consumer has been determined by judgment of a court of competent jurisdiction in an action to which such consumer was a party.

"§ 812. Criminal liability

"Whoever willfully and knowingly—

"(1) gives false or inaccurate information or fails to provide information which he is required to disclose by this title; or

"(2) otherwise fails to comply with any provision of this title;

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 813. Administrative enforcement

"Compliance with this title shall be enforced by the Commission. For the purpose of the exercise by the Commission of its functions and powers under the Federal Trade Commission Act, a violation of this title shall be deemed a violation of that Act. All of the functions and powers of the Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

"§ 814. Report to Congress by the Commission and Attorney General

"Not later than twelve calendar months after the effective date of this title and at one year intervals thereafter, the Commission and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Commission and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Commission shall include its assessment of the extent to which compliance with this title is being achieved, and a summary of the enforcement actions taken by the Commission under section 813 of this title.

"§ 815. Relation to State laws

"This title does not annul, alter, or affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to debt collecting practices, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this title if the protection such law affords any consumer is greater than the protection provided by this title.

"§ 816. Exemption for State regulation

"The Commission shall by regulation exempt from the requirements of this title any class of debt collection practices within any State if the Commission determines that under the law of that State that class of debt collection practices is subject to requirements substantially similar to those imposed by this title, and that there is adequate provision for enforcement.

"§ 817. Effective date

"This title takes effect upon the expiration of six months after the date of its enactment, and section 808 shall apply only with respect to debts for which the initial attempt to collect occurs after such effective date.".

Mr. ANNUNZIO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read,

printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. ANNUNZIO. Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read and be considered en bloc. They are only technical or language changes and none change the substance of the bill.

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

There was no objection.

The committee amendments are as follows:

Committee amendments: Page 3, line 21, strike out "or" and insert "of".

Page 5, line 23, strike out "10" and insert "9".

Page 6, line 18, strike out "and".

Page 6, line 19, immediately after "overdue," insert the following: "and if the consumer has not furnished the creditor or the debt collector with a telephone number where the consumer can be reached during the consumer's non-working hours, after 8 antimeridian and before 9 postmeridian,".

Page 6, line 21, strike out "once" and insert "twice".

Page 7, strike out lines 21 through 24, and insert the following:

"(e) PLEADINGS AND PROOF.—In any action brought by a consumer against a debt collector under this section, it shall be the duty of the consumer to plead both the existence of a communication from the debt collector and the lack of consent of the consumer thereto, and to make a prima facie showing that the communication took place and that there was no such consent. A prima facie showing that consent was not obtained may consist of testimony by the consumer. Upon such a prima facie showing, the burden of going forward shall be with the debt collector:

Page 8, beginning in line 13, strike out "coallegedly refuse to pay debts" and insert "coerce payment of the debt".

Page 11, line 11, strike out "amount" and insert "amount".

Page 11, line 13, strike out "such" and insert "a".

Page 13, strike out lines 7 through 9, and insert the following:

"(2) the name and address of the creditor to whom the debt was originally owed as it appeared in the original sales contract or bill of sale and the name of the creditor to whom the debt is currently owed.

Page 13, line 22, strike out "which" and insert "with".

Page 14, strike out lines 20 through 23, and insert the following: process is served—

"(1) by an officer or employee of the United States or any State in the course of the official duties of such officer or employee;

"(2) by an individual appointed or approved by the appropriate court for that purpose; or

"(3) by an individual authorized to serve process under the State law in which process is to be served.

Page 15, line 5, strike out "which" and insert "who".

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. WYLIE

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

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 3, line 8, strike out the period and insert in lieu thereof the following: ", unless, on or after the effective date of this title, substantially all of the activities in the course of such business or in such collection of debts occur within one State."

Mr. WYLIE. Mr. Chairman, the other day when this bill was being considered on the Suspensions Calendar, the gentleman from Texas (Mr. WHITE)—and I notice he is on the floor, so I would ask his attention—questioned the advisability of passing a law which would apply in effect to intrastate commerce.

I might add that during the deliberations on this bill and while the bill was before the subcommittee I had made somewhat the same observation and had indeed drafted an amendment which I thought would take care of that problem, and which exempted the debt collector who did not cross State lines in the course of his debt collection activities.

I found it was difficult to draw up such an amendment which specifically referred to intrastate commerce because almost any commerce is interstate commerce. As a matter of fact, the gentleman from Illinois (Mr. ANNUNZIO) has sent around a letter which indicates he might have an amendment of this kind. We have talked this over at considerable length and I think we have come up with language which will statisfy the gentleman from Texas (Mr. WHITE).

The specific purpose of this amendment is to exempt debt collection agencies which collect for the mom and pop operation, for instance, from the coverage of this bill. It would exempt the debt collector who is contacted by his neighbor and he says: "Joe Doakes owes me a bill. Will you see what you can do to collect it for me on a percentage basis." And Joe Doakes is a neighbor.

This gives that local debt collector the opportunity to go see the man in the community, talk to him about his bill and attempt to make a collection of the bill, without concern about the other restrictions in the bill, on the theory that people at the local level can police themselves in local affairs. Also, if there is a State law on the subject, the State law ought to prevail in which case we do not need a Federal law to enforce debt collection efforts which do not in any way cross State lines.

I think this is what the gentleman from Texas intended. It is what I intended when I drafted the amendment originally and I hope it will be accepted

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

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

Mr. WHITE. Mr. Chairman, I have examined the amendment that the gentleman from Ohio has offered. I am satisfied that it will confine this bill to interstate matters and will not interfere with intrastate matters.

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

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

Mr. ANNUNZIO. Mr. Chairman, I rise in support of the amendment and I commend the gentleman from Ohio for offering the amendment. As the gentleman from Ohio stated previously, I was prepared to introduce an amendment to cover the States rights issue. I felt that the amendment of the gentleman from Ohio would probably satisfy those people in the House.

Mr. Chairman, I have one question. I would like to ask the gentleman to clarify a point. Is it true that the purpose of this amendment is to allow a debt collector a little latitude in collecting debts in the area of debt collection known as skip tracing? It would allow a debt collector to call across State lines on occasion, but it would not allow a debt collector to solicit business across State lines, even on a rate request.

Mr. WYLIE. That is right; that is the specific purpose of the amendment.

Mr. ANNUNZIO. Mr. Chairman, I thank the gentleman from Ohio. I want to again reiterate to the gentleman my deep appreciation for his support and to commend the gentleman from Ohio for the amendment.

Mr. WYLIE. I thank the gentleman from Illinois.

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

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

Mr. ROUSSELOT. Mr. Chairman, I appreciate my colleague, the gentleman from Ohio, yielding.

I assume that this amendment is the result of the discussion we had in the full committee and that it is an attempt to correct an obvious defect that appeared during that discussion.

Mr. WYLIE. Well, I thought at the outset that at best the bill should not cover purely intrastate operations in those States which had decided to pass their own State laws.

Now, in Ohio we do not have a State law, but if the State legislature decides to pass a State law to cover debt collection practices, then I think the State law should be enforced and Federal law applied, or a law like this should be applied only where there is an interstate operation concerned.

Now, I would say to the gentleman that I think that we have the authority to regulate such intrastate activity under the commerce clause.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

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

Mr. WYLIE. Mr. Chairman, the difficulty in drawing the amendment is this. If anyone picks up the telephone to make a telephone call, he is in interstate commerce immediately; so when we try to make a distinction between what is interstate and what is intrastate commerce, we have some difficulty; so I drafted this amendment here which says where substantially all the activities in the course of such business occur within one State, then that is exempt from the provisions of this bill.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the amendment of the gentleman from Ohio. I think it definitely is a step in the right direction.

Mr. Chairman, I also compliment the gentleman from Illinois, the author of

the basic legislation, for accepting this amendment.

Mr. WYLIE. Mr. Chairman, I thank the gentleman from California for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WYLIE

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

The clerk read as follows:

Amendment offered by Mr. WYLIE: Page 3, strike out lines 21 through 23 and insert in lieu thereof the following:

"(g) The term 'location information' means a consumer's place of residence, telephone number at such place, and place of employment."

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

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

Mr. ANNUNZIO. Mr. Chairman, I have had an opportunity to examine the amendment offered by the gentleman from Ohio and I have no objection to it.

Mr. WYLIE. Mr. Chairman, I thank the gentleman.

I might just explain very quickly what it does. It eliminates the redundancy on page 3, line 21.

We have the word "his" occurring three times. We do not need the word "his," although it has a generic meaning within the law and refers to a person. However, my amendment will eliminate some words and will say the same thing in fewer words and in more succinct language.

I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was agreed to.

Mr. ICHORD. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, as I look over this legislation and read the provisions of sections 805 and 809, stating that we are hereby going to make it a Federal crime to use abusive or profane language in the collection of a debt, I feel, Mr. Chairman, instead of addressing the Chair as "Mr. Chairman," that I should be saying Mr. Mayor or Mr. President, Members of the Board of Aldermen or, at most, Mr. Speaker and Members of the General Assembly.

I do not number among my acquaintances any debt collectors that I recall, and as far as I know, the gentleman from Illinois is correct in stating that most of the reputable debt collectors are supporting this legislation. I am very reluctant, I would say to my distinguished friend, the gentleman from Illinois, to rise in opposition to this bill, one, because I am sure that he is seeking to solve a problem which does exist in many jurisdictions throughout our great Nation; and second, the principal author of this bill is one of the most congenial, one of the most lovable Members of this body.

But, I cannot stand by and remain silent when I feel that we are now considering a bill that typifies a great part of what is wrong with this body and what is wrong with the entire Congress and what is wrong with the Federal Government. Members of the committee, when I first came here 16 years ago, I had no difficulty finding the time to study and understanding the provisions of each piece of legislation, and having a good working knowledge of the legislation. Today, 16 years later, that is absolutely impossible. I defy any member of this committee to stand up and say that whenever he votes on all legislation now coming before this House, that he has a good working knowledge of it. If he does—I speak quite frankly—he is not telling the truth.

The legislation is coming so fast and furious that we are legislating on everything from the defense of the country to rodent extermination. Now, we are going to regulate debt collection. Before long, I am sure that we will be legislating or attempting to legislate the size of peanuts, or regulating the showing of old movies, perhaps. There is no end to it.

Our problem is that the Federal Government is addressing many, many problems, but it is solving very, very few. We are not going to solve any problems by this legislation. The gentleman from Ohio offered, and we adopted, a very commendable amendment to keep us from being burdened with additional rules and regulations of the bureaucracy, but he does not have any teeth in the legislation. It is another problem we will address but most certainly not solve.

Who is going to determine when debt collectors have committed a Federal crime? Are we going to use the district attorneys throughout the United States to hale debt collectors into the Federal courts for using abusive and profane language? How is this bill actually going to be enforced? We are just going to address another problem, but we are not going to solve the same.

Here is the problem: The big things that are truly the responsibility of the Federal Government are going wanting for attention by the Members of this body. We are now legislating or attempting to legislate on all problems of mankind that we just do not have time to properly consider those problems that are truly a matter of Federal responsibility.

And I look at the gentleman from California (Mr. JOHN L. BURTON). We cannot even move the mails as fast as the pony express used to move them. That is truly a responsibility of the Federal Government.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. ICHORD) has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 3 additional minutes.)

Mr. JOHN L. BURTON. Mr. Chairman, will the gentleman yield?

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

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

Mr. Chairman, I was paying rapt attention to the gentleman. As I said earlier today, if Governor Reagan had chosen me instead of the distinguished Member of the other body, we might have gone back to the pony express.

Mr. ICHORD. We do not have time to consider the needs that are truly the responsibility of the Federal Government. We spend just a few minutes on bills calling for the expenditure of billions of dollars to provide for the national defense, which is truly a Federal responsibility. We do not have time to consider the many difficult problems in foreign affairs, the regulation of interstate and foreign commerce, our monetary system, the fiscal policy of the Federal Government, and here we are being asked to go into the business of regulating debt collectors.

I will say to the Members that if we continue to pass bills such as this, we deserve to have no higher standing than a city councilman or a State assemblyman.

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

Mr. ICHORD. I yield to the gentleman from Kentucky.

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, I do notice that collections can be made or may well be made by officers or employees of the United States or any State. It does put Federal officials in the position of debt collectors, and I really do not think we should go that far. I think that is going much too far.

Mr. ICHORD. We do not have time to do that. We have big problems, the problems that are truly the responsibility of the Federal Government, without getting into the field of regulating debt collectors.

I agree with the gentleman. There is a problem that needs to be solved here. But do we not have State legislatures? Do we not still have city councils? Are we to just give up altogether? Do we no longer believe in the federal system?

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

Mr. Chairman, I understand that this bill does not have the magnitude of the debate on the B–1 bomber, and may I suggest to the gentleman that he let his conscience be his guide. It it does not pass, I am not going to jump out the window or anything like that, but I do suggest that there is a legitimate area here within the concern of this Congress. It is not right to ridicule, by saying, when you talk about enforcement, "Will we have all of the law enforcement agencies all over the United States going out with a dragnet to drag in debt collectors?" As I suggested a little earlier, the word "harass" is a perfectly valid and legitimate word. You can find it in the dictionary. I just think that the practices which are prohibited in this bill should be prohibited. I do not think the gentleman from Missouri is suggesting that we should allow abusive practices to continue by doing nothing. I do not think just because you are opposed to enacting more legislation and more laws that that is good enough reason for not acting in an area where we find that there have been abuses and allow the perpetrators of horrow stories to go on about their business.

Mr. Chairman, I do not think that Congress should merely close its doors to those people who have come to us for help and say that we have too many laws on the books and we are not going to act.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, I said much more

than having too many laws on the books; I said that we are assuming so much jurisdiction that we are not having time to take care of the problems that are truly a Federal responsibility.

I agree with the gentleman from Ohio (Mr. WYLIE) on these provisions. I agree with the provisions of this bill. If I were on a city council, I would be speaking for it, or even if I were in the State legislature again, in which I served for 8 years, in my home State of Missouri, I would gladly champion the bill. But this has no business being on the floor of this House.

Mr. WYLIE. Mr. Chairman, what the gentleman is saying is that if it is bad for the local community, he would support the bill as a member of a city council, but if it is a matter of interstate concern and is also bad from the Federal Government standpoint, he would not support it.

Mr. ICHORD. I am not a member of a city council today; I am a Member of the House of Representatives of the U.S. Congress.

Mr. WYLIE. But if these practices would be bad in intrastate or local commerce and are prohibited under State law, then they are also bad for interstate commerce and should be prohibited by Federal law.

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

Mr. Chairman, H.R. 13720 represents a conscientious effort on the part of the distinguished chairman of the Subcommittee on Consumer Affairs (Mr. ANNUNZIO) and the distinguished ranking minority member (Mr. WYLIE) to develop a bill that would deal fairly with abuses in the debt collection industry. Nevertheless, and despite my particular concern with abuses by debt collectors who use the telephone or the mails to operate beyond the reach of the laws of the States of target debtors, it is necessary for me to oppose this legislation, for the following three reasons:

First. Thirty-eight States already have legislation to deal with the abuses covered in this bill. There is no justification, in my judgment, for the application of this legislation to primarily intrastate debt collection activities. Concerning regulation of interstate debt collection practices, it is essential that the statute be very carefully drawn, so as not to infringe upon first amendment rights. This is a very difficult task and one which may not have been accomplished, despite the most dilligent efforts of my distinguished colleagues from Illinois and Ohio.

Second. H.R. 13720 is very narrow in its scope—it does not apply to businesses which collect their own debts, which account for about 99 percent of debt collection activity. This means that those businesses which conduct their debt collection "in-house," or which choose to establish such operations, can engage in all of the prohibited abuses with impunity, at least as far as this Federal legislation is concerned.

Third. There is reason to believe that the effect of this bill may be to increase the incentive for those who habitually abuse credit to resort to frivolous suits for "false or misleading representations" as a means to avoid paying their debts. These actions increase the cost of doing business and, in turn, result in increased costs to those consumers who pay their bills on time. Another unfortunate but probably inevitable result is tightened screening, so that those poor people who need credit most will find it more difficult to obtain it.

It may surprise my colleagues to learn that there are available on the market manuals which instruct debtors on how to use techniques which can only be characterized as abusive to avoid paying their debts. In addition to instructions on how to "fold, spindle, and mutilate" punched cards, and on how to use the mails to delay, such books instruct their readers that by using the procedures provided under the Fair Credit Billing Act, it is possible to tie the creditor up for as long as 90 days and to impose substantial additional costs on him. These costs, of course, are ultimately borne by those consumers who pay on time.

To give the authors of debt avoidance manuals their due, however, it should be observed that the Federal Government itself has contributed significantly to the decline of the "pay as you go" ethic. One of the manuals contains the following quote, which should give us all pause:

> Slow payment . . . is neither immoral nor illegal. You can be sued for it, but you can't be put in jail. It has the seal of approval of American commerce (in practice, if not in pronouncement) and of the United States government itself, which, since 1933, has been spending money it didn't have and calling the technique deficit spending. (Money paid out for social security in the 1930's, for example, came from money that the Social Security Administration didn't expect to receive until the 1950's.)
>
> Of course, since people can't get away with as much as governments can, you may fear that you won't be able to get away with deficit spending for as long as the government has. You may fear that long-term deficit spending will catch up with you in the long run, just as it's now starting to catch up with the government. But one or two years of stalling is hardly the long run. Besides, as John Maynard Keynes, the father of deficit spending, wrote: "In the long run, we shall be dead."—"Your Check Is in the Mail" Goldman, Franklin, and Pepper, p. 11.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE) having assumed the chair, Mr. YOUNG of Georgia, 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. 13720) to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors, pursuant to House Resolution 1278, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. 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 pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 162, not voting 31, as follows:

[Roll No. 552]

YEAS—239

Adams	Gaydos	Nix
Addabbo	Gilman	Nolan
Alexander	Gonzalez	Nowak
Allen	Goodling	Oberstar
Ambro	Gradison	Obey
Anderson, Calif.	Green	O'Brien
	Gude	O'Neill
Anderson, Ill.	Guyer	Ottinger
Annunzio	Hall, Ill.	Patten, N.J.
Aspin	Hanley	Pepper
Badillo	Harkin	Perkins
Baldus	Harrington	Pettis
Beard, R.I.	Harris	Peyser
Bergland	Harsha	Pike
Biaggi	Hawkins	Preyer
Biester	Hayes, Ind.	Price
Bingham	Hays, Ohio	Quie
Blanchard	Hechler, W. Va.	Railsback
Boland	Heckler, Mass.	Randall
Bolling	Heinz	Rangel
Brademas	Hicks	Rees
Brodhead	Hillis	Regula
Brown, Calif.	Holland	Reuss
Buchanan	Holtzman	Rhodes
Burke, Calif.	Horton	Richmond
Burke, Mass.	Howard	Rinaldo
Burlison, Mo.	Howe	Roberts
Burton, John	Hughes	Rodino
Burton, Phillip	Hungate	Roe
Carney	Hyde	Rogers
Carr	Jacobs	Roncalio
Cederberg	Jeffords	Rooney
Chisholm	Johnson, Calif.	Rosenthal
Cleveland	Jordan	Rostenkowski
Cohen	Kastenmeier	Roybal
Collins, Ill.	Kazen	Ruppe
Conable	Keys	Russo
Conte	Kindness	Ryan
Conyers	Koch	St Germain
Corman	Krebs	Santini
Cornell	Krueger	Sarasin
Coughlin	LaFalce	Sarbanes
Daniels, N.J.	Latta	Scheuer
Danielson	Leggett	Schroeder
Davis	Lehman	Sharp
de la Garza	Levitas	Shipley
Delaney	Lloyd, Calif.	Simon
Dellums	Lundine	Sisk
Dent	McCormack	Solarz
Derrick	McDade	Spellman
Derwinski	McEwen	Stanton, J. William
Dingell	McFall	
Dodd	McHugh	Stark
Downey, N.Y.	McKinney	Steiger, Wis.
Drinan	Madden	Stephens
du Pont	Maguire	Stokes
Early	Mathis	Studds
Eckhardt	Matsunaga	Thompson
Edgar	Mazzoli	Traxler
Edwards, Ala.	Metcalfe	Tsongas
Edwards, Calif.	Meyner	Udall
Eilberg	Mezvinsky	Vander Jagt
Emery	Mikva	Vander Veen
Erlenborn	Mills	Vanik
Evins, Tenn.	Mineta	Vigorito
Fary	Minish	Walsh
Fascell	Mink	Waxman
Fenwick	Mitchell, Md.	Wilson, C. H.
Findley	Mitchell, N.Y.	Wilson, Tex.
Fish	Moakley	Wolff
Fisher	Moffett	Wright
Fithian	Moorhead, Pa.	Wydler
Flood	Morgan	Wylie
Florio	Mosher	Yates
Foley	Moss	Yatron
Ford, Mich.	Mottl	Young, Ga.
Ford, Tenn.	Murphy, Ill.	Young, Tex.
Forsythe	Murphy, N.Y.	Zablocki
Fraser	Murtha	Zeferetti
Frenzel	Neal	
Fuqua	Nedzi	

NAYS—162

Andrews, N.C.	Frey	Natcher
Andrews, N. Dak.	Giaimo	Nichols
Archer	Gibbons	Passman
Armstrong	Ginn	Patterson, Calif.
Ashbrook	Goldwater	Pattison, N.Y.
Ashley	Grassley	Paul
AuCoin	Hagedorn	Pickle
Bafalis	Hall, Tex.	Poage
Baucus	Hamilton	Pressler
Bauman	Hammer-schmidt	Pritchard
Beard, Tenn.	Hannaford	Quillen
Bedell	Hefner	Risenhoover
Bell	Henderson	Robinson
Bennett	Hightower	Rose
Bevill	Holt	Roush
Blouin	Hubbard	Rousselot
Boggs	Hutchinson	Runnels
Bonker	Ichord	Satterfield
Bowen	Jarman	Schneebeli
Breaux	Jenrette	Schulze
Brinkley	Johnson, Colo.	Sebelius
Broomfield	Johnson, Pa.	Shriver
Brown, Mich.	Jones, N.C.	Shuster
Brown, Ohio	Jones, Okla.	Sikes
Broyhill	Kasten	Skubitz
Burgener	Kelly	Slack
Burke, Fla.	Kemp	Smith, Iowa
Burleson, Tex.	Ketchum	Smith, Nebr.
Butler	Lagomarsino	Snyder
Byron	Lent	Spence
Carter	Lloyd, Tenn.	Staggers
Chappell	Long, La.	Steed
Clancy	Long, Md.	Symms
Clausen, Don H.	Lott	Talcott
Clawson, Del	Lujan	Taylor, Mo.
Cochran	McClory	Taylor, N.C.
Collins, Tex.	McCloskey	Teague
Conlan	McCollister	Thone
Cotter	McDonald	Thornton
Crane	McKay	Treen
D'Amours	Mahon	Ullman
Daniel, Dan	Mann	Van Deerlin
Daniel, R. W.	Martin	Waggonner
Devine	Melcher	Wampler
Dickinson	Michel	Weaver
Downing, Va.	Milford	Whalen
Duncan, Oreg.	Miller, Calif.	White
Duncan, Tenn.	Miller, Ohio	Whitehurst
English	Mollohan	Whitten
Eshleman	Montgomery	Wilson, Bob
Evans, Colo.	Moore	Winn
Evans, Ind.	Moorhead, Calif.	Wirth
Flowers	Myers, Ind.	Young, Alaska
Flynt	Myers, Pa.	Young, Fla.

NOT VOTING—31

Abdnor	Helstoski	Seiberling
Abzug	Hinshaw	Stanton, James V.
Breckinridge	Jones, Ala.	Steelman
Brooks	Jones, Tenn.	Steiger, Ariz.
Clay	Karth	Stratton
Diggs	Landrum	Stuckey
Esch	Litton	Sullivan
Fountain	Madigan	Symington
Haley	Meeds	Wiggins
Hansen	O'Hara	
Hébert	Riegle	

The Clerk announced the following pairs:

On this vote:

Ms. Abzug for, with Mr. Breckinridge against.

Mr. Brooks for, with Mr. Jones of Tennessee against.

Mr. Madigan for, with Mr. Wiggins against.

Mr. Helstoski for, with Mr. Stuckey against.

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

Mr. Meeds for, with Mr. Jones of Alabama against.

Mr. O'Hara for, with Mr. Hansen against.

Mr. Riegle for, with Mr. Hébert against.

Mr. Clay for, with Mr. Landrum against.

Mr. Symington for, with Mr. Fountain against.

Mrs. Sullivan for, with Mr. Haley against.

Mr. Stratton for, with Mr. Abdnor against.

Until further notice:

Mr. Seiberling with Mr. Karth.

Mr. James V. Stanton with Mr. Steelman.

Mr. PERKINS and Mr. CORNELL changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 13720) just passed.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CONSERVATION, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE TOMORROW

Mr. RYAN. Mr. Speaker, in view of the fact that we are going to begin our session at 10 o'clock tomorrow morning I ask unanimous consent that the Subcommittee on Conservation, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit tomorrow to hold a hearing for investigative purposes while the Committee of the Whole is sitting during the 5-minute rule.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I ask the gentleman from California: Will there be no markup of legislation?

Mr. RYAN. No; Mr. Speaker, if the gentleman will yield, there will be no legislation marked up. It is entirely investigative and background.

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

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON SPACE SCIENCE AND APPLICATIONS OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TOMORROW BETWEEN 10 A.M. AND 12 NOON

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Subcommittee on Space Science and Applications of the Committee on Science and Technology be permitted to sit tomorrow morning between 10 a.m. and 12 noon to take testimony.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, there is no markup planned at this session?

Mr. FUQUA. Mr. Speaker, if the gentleman will yield, as I said, it is only to take testimony.

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

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, the gentleman from Maryland is not aware of any permission to meet at 10 a.m. tomorrow. Is there such a plan for tomorrow?

The SPEAKER. The Chair will say this is anticipatory.

Is there any objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THE WEEK

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

Mr. O'NEILL. Mr. Speaker, I take this time in order to announce the plans for the remainder of the week. As Members will note from the schedule, we are running about 1 day behind, not having accomplished as much yesterday as we had anticipated doing. As of this minute we will be starting on the mine safety and health rule resolution, which would have been the first piece of legislation for today if we had been on schedule. We would like to complete the work for the week and by agreement with the other side I had intended at the close of the day to ask unanimous consent that when we adjourn today we adjourn to meet at 10 o'clock tomorrow morning and at 10 o'clock on Thursday morning and at 10 o'clock on Friday morning for the purpose of concluding the legislative program.

If by chance we will have finished the legislation on Thursday evening, we will have concluded our work for the week, but it does not appear from the program that will be possible, and we would like to complete the program as the notification was given for the week.

HOUR OF MEETING ON TOMORROW, WEDNESDAY, JULY 28, 1976

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock a.m. tomorrow.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, did the gentleman say we would not meet on Friday if we complete the work by Thursday evening?

Mr. O'NEILL. There would be no sense in meeting on Friday if we have completed our program on Thursday, but knowing the fact that the government in sunshine bill is controversial, and the nuclear fuel assurance is a controversial piece of legislation, and H.R. 12944, the Federal Insecticide, Fungicide and Rodenticide Act is controversial, I would have to say we will meet Friday—but not if we complete the work.

Mr. Speaker, in order to complete the work, we are asking unanimous consent that when we adjourn today, we adjourn to meet tomorrow at 10 o'clock a.m.

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

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, does the gentleman have any idea as to the time we might be ending our business each day?

Mr. O'NEILL. Yes; it had been intended, Mr. Speaker, to adjourn this evening between the hour of 6 and 6:30.

I would say the same for tomorrow night and hope for an early adjournment by, say, 4:30 on Friday.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman from Massachusetts for his elaboration.

Mr. Speaker, I just wanted at this point to ask the gentleman from Massachusetts one further question. I understand from the wire services that it was reported that the would-be President of the United States, Mr. Carter, has ordered the Congress to pass the post card registration bill this week and that the Committee on Rules is going to meet on Thursday. Could the gentleman give us any idea on that?

Mr. O'NEILL. With respect to the post card registration bill, the legislation is currently before the Committee on Rules. There would be some difficulty in reporting it without some kind of special rule from the Committee on Rules. It is not anticipated that it would be on the floor this week, in any event.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Speaker, for the purpose of inquiry, the Subcommittee on Criminal Justice of the Committee on the Judiciary is scheduled for tomorrow at 10 o'clock and the next day at 10 o'clock. Is it possible to get permission that they might sit from 10 o'clock until noon?

Mr. O'NEILL. The gentleman would have to wait for that until I get unanimous consent that when the House adjourns today that it meet at 10 o'clock on tomorrow.

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

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

There was no objection.

HOUR OF MEETING ON THURSDAY, JULY 29, 1976

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, Wednesday, July 28, 1976, it adjourn to meet at 10 a.m. on Thursday, July 29, 1976.

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

There was no objection.

HOUR OF MEETING ON FRIDAY, JULY 30, 1976

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns Thursday, July 29, 1976, it adjourn to meet at 10 o'clock a.m. on Friday, July 30, 1976.

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

There was no objection?

REQUEST FOR COMMITTEE ON HOUSE ADMINISTRATION TO MEET ON THURSDAY, JULY 29, 1976, DURING 5-MINUTE RULE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may meet on Thursday, July 29, during the 5-minute rule.

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

Mr. HYDE. Mr. Speaker, reserving the right to object, has that been cleared with the minority?

Mr. THOMPSON. Mr. Speaker, the answer is that the committee met this morning and went over a number of routine items.

Mr. Speaker, if the gentleman will yield further, the committee disposed of a number of routine items. There remains one controversial item relating to a resolution offered by the gentleman from California (Mr. Moss).

The answer to the gentlemans question is, "Yes."

Mr. ROUSSELOT. Mr. Speaker, I object.

Mr. THOMPSON. Mr. Speaker, would the gentleman from California yield before the gentleman objects?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I yield to my colleague, the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman.

I might point out that our colleague, the gentleman from California (Mr. WIGGINS) has asked for consideration of the disposition of a number of legal fees arising out of contested elections, but which have been, in a sense, in limbo for at least a year.

I would like to assure the gentleman from California (Mr. ROUSSELOT) that only such routine matters which are of consequence to all of us will be considered on Thursday in the Committee on House Administration.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, can the gentleman assure us that only those two items will be considered?

Mr. THOMPSON. Mr. Speaker, will the gentleman from California yield further?

Mr. ROUSSELOT. I am glad to yield to the gentleman from New Jersey.

Mr. THOMPSON. There are something like 18 committee agenda items relating to Members on both sides of the aisle making routine requests for changes of equipment in their offices, obsolete equipment, and so forth. The other matters relate to printing and to routine affairs. The gentleman from New Jersey would assure his colleague from California that the controversial item, as may be identified by the gentleman from Alabama (Mr. DICKINSON), the ranking minority Member, will not be considered on Thursday. There are only routine matters.

Mr. ROUSSELOT. Further reserving the right to object, I think the main concern is that the majority leader has stated very pointedly that the legislative calendar is full for those days, and many times it is difficult for Members to shuffle back and forth to the floor from committees. If the gentleman can assure us that the minority Member, the gentleman from Alabama (Mr. DICKINSON) has agreed to the bills which are scheduled—does the gentleman want to give us the numbers of the bills so that we know what they are?

Mr. THOMPSON. If the gentleman will yield further——

Mr. ROUSSELOT. I am delighted to yield.

Mr. THOMPSON. I do not have in my possession the agenda, except that I can state without equivocation and give the gentleman assurance that these are matters such as the printing of calendars, the printing of the magazine entitled "The Capitol," and routine mechanical items.

Mr. ROUSSELOT. On the basis of what the gentleman described, that sounds very harmless.

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

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

Mr. MICHEL. Mr. Speaker, as I understand the gentleman's request, it was for Thursday. This is Tuesday, and in view of the confusion, it would seem to me that the gentleman could renew that request tomorrow in plenty of time to meet on Thursday.

Mr. THOMPSON. If the gentleman would yield further, I will say that I cannot think of more assurances than I can give right now. I cannot give any more tomorrow. I do not understand why there would be objection to this request today, except to inconvenience me.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, I now yield to my distinguished colleague from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Speaker, I was just hastily summoned and heard that this had to do with the Committee on House Administration.

Mr. ROUSSELOT. Mr. Speaker, I now yield to my colleague from New Jersey to bring my colleague from Alabama "up to speed."

Mr. THOMPSON. I am in some doubt as to my ability to do that and, therefore, withdraw my request.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF COMMITTEE ON THE JUDICIARY TO MEET THURSDAY, JULY 29, 1976, DURING 5-MINUTE RULE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Criminal Justice of the Committee on the Judiciary may meet on this Thursday during the 5-minute rule. We already have had hearings scheduled for some time for five witnesses from some distance on proposed changes in rules of evidence and prosecutions.

The distinguished gentleman from Illinois (Mr. HYDE) is on this subcommittee.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will these be hearings only?

Mr. HUNGATE. Mr. Speaker, if the gentleman will yield, these will be hearings only.

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

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ACTIVITIES OF REGULATORY AGENCIES TO MEET AT 10 A.M. ON TOMORROW DURING HOUSE SESSION

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Activities of Regulatory Agencies of the Committee on Small Business, which will be holding hearings to hear the Federal Aviation Administration respond to complaints we have had from different people around the country, be permitted to meet tomorrow, Wednesday, July 28, 1976, at 10 a.m. while the House is in session.

The ranking minority member, the gentlewoman from New Jersey (Mrs. FENWICK) is present.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, there will be no markup?

Mr. HUNGATE. Mr. Speaker, if the gentleman will yield, it will be strictly hearings.

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

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

There was no objection.

MINE SAFETY AND HEALTH ACT OF 1976

Mr. DOMINICK V. DANIELS. Mr Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13555) to amend the Federal Metal and Nonmetallic Mine Safety Act and to transfer certain functions relating to coal mine health and safety under the Federal Coal Mine Health and Safety Act of 1969.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. DOMINICK V. DANIELS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13555, with Mr. GIAIMO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, June 29, 1976, the Clerk had read through line 17 on page 76.

Are there any amendments to section 1?

Mr. DOMINICK V. DANIELS. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute 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 Jersey?

There was no objection.

The remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. The Federal Metal and Nonmetallic Mine Safety Act is amended to read as follows:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Federal Metal and Nonmetallic Mine Safety and Health Act.

"CONGRESSIONAL FINDINGS AND PURPOSES

"SEC. 2. (a) Congress finds and declares that—

"(1) the first priority and concern of all in the metal and nonmetallic mining industry must be the health and safety of its most precious resource—the miner;

"(2) deaths and serious injuries from unsafe and unhealthful conditions and practices in metal and nonmetallic mines cause grief and suffering to the miners and to their families;

"(3) there is an urgent need to provide more effective means and measures for improving the working conditions and practices in the Nation's metal and nonmetallic mines in order to prevent death and serious physical harm, and in order to prevent occupational diseases originating in such mines;

"(4) the existence of unsafe and unhealthful conditions and practices in the Nation's metal and nonmetallic mines is a serious impediment to the future growth of the mining industry and cannot be tolerated;

"(5) the operators of such mines, with the assistance of the miners, have the primary responsibility to prevent the existence of such conditions and practices in such mines; and

"(6) the disruption of production and the loss of income to operators and miners as a result of metal and nonmetallic mine accidents or occupationally caused disease unduly impedes and burdens commerce.

"(b) The Congress therefore declares it to be its purpose and policy—

"(1) to encourage employers and employees in their efforts to reduce the number of occupational safety and health hazards in metal and nonmetallic mines and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

"(2) to provide that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

"(3) to authorize the Secretary of Labor to set mandatory safety and health standards applicable to metal and nonmetallic mines affecting interstate commerce;

"(4) to authorize the Secretary of Health, Education, and Welfare and the Secretary of the Interior to conduct research in the field of metal and nonmetallic mine safety and health, and to develop innovative methods, techniques, and approaches for dealing with metal and nonmetallic mine safety and health problems;

"(5) to explore ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that mine health standards present problems often different from those involved in mine safety;

"(6) to provide medical criteria which will assure insofar as practicable that no metal or nonmetallic mine employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

"(7) to provide an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and protection from discrimination against any miner instituting or testifying in any proceeding involving an alleged violation of this Act; and

"(8) by providing for appropriate reporting procedures with respect to metal and nonmetallic mine safety and health, which procedures will help achieve the objectives of this Act and accurately describe the nature of the metal and nonmetallic mine safety and health problem.

"DEFINITIONS AND COVERAGE

"SEC. 3. (a) For the purposes of this Act:

"(1) The term 'commerce' means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, the Commonwealth of Puerto Rico, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

"(2) The term 'mine' means (1) an area of land from which minerals (other than coal or lignite) are extracted in nonliquid form or, if in liquid form, are extracted with workers underground, (2) private ways and roads appurtenant to such area, and (3) land, excavations, underground passageways, and workings, structures, facilities, equipment, machines, tools, or other property, on the surface or underground, used in the work of extracting such minerals (other than coal or lignite) from their natural deposits in nonliquid form, or if in liquid form, with workers underground, or used in the milling of such minerals, except that with respect to protection against radiation hazards such term shall not include property used in the milling of source material as defined in the Atomic Energy Act of 1954, as amended.

"(3) The term 'operator' means any person, partnership, association, or corporation, or subsidiary of a corporation operating a mine, and owning the right to do so, and includes any agent thereof charged with responsibility for the operation of such mine.

"(4) The term 'Secretary' means the Secretary of Labor.

"(5) The term 'Commission' means the Federal Metal and Nonmetallic Mine Safety and Health Commission established under section 18.

"(6) The term 'State' includes a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

"(7) The term 'miner' means any individual working in a mine.

"(8) The term 'injury' means (A) any harmful change in the human organism which can be determined to be work-related, whether or not the result of an accident, and includes any occupational disease, and (B) any damage to or loss of prosthetic and orthotic devices.

"(9) The term 'imminent danger' means danger which could reasonably be expected to cause death or serious injury immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act, and includes such danger resulting from exposure of miners to toxic materials or harmful physical agents.

"(b) Each mine the products of which regularly enter commerce, or the operations of which affect commerce, shall be subject to this Act.

"(c) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of operators and miners under

any law with respect to injuries, diseases, or death of miners arising out of, or in the course of, employment.

"DUTIES

SEC. 4. (a) Each operator of a mine—

"(1) shall furnish to each of his miners employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious injury to his miners;

"(2) shall comply with health and safety standards promulgated under this Act.

"(b) Each miner shall comply with health and safety standards promulgated under this Act and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

"HEALTH AND SAFETY STANDARDS

"SEC. 5. (a)(1) The health and safety standards promulgated and designated as mandatory by the Secretary of the Interior under section 6 (as such section existed immediately prior to the effective date of section 2 of the Mine Safety and Health Act of 1976) shall be deemed, as of the effective date of section 2 of the Mine Safety and Health Act of 1976, to be health and safety standards promulgated under this section.

"(2) The Secretary shall establish an advisory committee under subsection (d) which shall within six months after the date of the establishment of such advisory committee, review the health and safety standards promulgated by the Secretary of the Interior (but not designated as mandatory) under section 6 (as such section existed immediately prior to the effective date of section 2 of the Mine Safety and Health Act of 1976) of this Act, and recommend to the Secretary which of those standards (or any modification of such standards which does not substantially diminish the health and safety of miners) should be promulgated as health and safety standards under this section. The Secretary shall promulgate, within ninety days after any recommendations of the advisory committee under this paragraph, each of the standards so recommended for adoption without modification as a health and safety standard under this section by publication of such standard in the Federal Register, unless the Secretary determines that any standard will not promote the health and safety of miners and publishes an explanation of that determination in the Federal Register, and each such standard shall be deemed to be a health and safety standard in effect under this section. The Secretary shall publish each of the standards recommended for adoption with modification by that advisory committee as a health and safety standard under this section in the Federal Register and afford interested persons a period of forty-five days after publication to submit written data or comments. Within thirty days after the close of the comment period specified in the preceding sentence, the Secretary shall promulgate by publication in the Federal Register a standard based upon the standard recommended with modification by the advisory committee and the data and comments received thereon, unless the Secretary detremines that such a standard will not promote the health and safety of miners and publishes an explanation of that determination in the Federal Register.

"(3) Within six months after the effective date of section 2 of the Mine Safety and Health Act of 1976, the Secretary shall determine which of the occupational safety and health standards promulgated under section 6 of the Occupational Safety and Health Act of 1970 pertain to miners employed in the milling of minerals in mines subject to this Act, and each such standard so determined shall be promulgated, within six months after the effective date of section 2 of the Mine Safety and Health Act of 1976, as a health and safety standard promulgated under this section by publication in the Federal Register, together with an explanation of the reasons such standard is pertinent to such miners, unless the Secretary determines that such standard does not promote the health and safety of miners employed in the milling of minerals in mines subject to this Act. Any health and safety standard deemed under the preceding sentence to be a health and safety standard promulgated under this section shall supersede any corresponding standard in effect under paragraph (1) or (2) of this subsection with respect to miners employed in the milling of minerals in mines subject to this Act, if such standard under the preceding sentence provides substantially as effective protection to miners as the standard it would supersede.

"(4) Within one year after the effective date of section 2 of the Mine Safety and Health Act of 1976, the Secretary shall review all occupational safety and health standards promulgated under section 6 of the Occupational Safety and Health Act of 1970 and shall commence proceedings for promulgation of those standards which are appropriate for miners in accordance with subsection (b).

"(b) The Secretary shall by rule promulgate any health or safety standard under this section, and modify, or revoke any health and safety standard promulgated under this section, in the following manner, but any such modification or revocation of any such health and safety standard shall be accompanied by an explanation, to be published in the Federal Register, of how that modification or revocation provides substantially as effective protection to the health or safety of miners:

"(1) Whenever, the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of operators or miners, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, the Director of the Bureau of Mines, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under subsection (d). Whenever the Secretary receives in writing from any person a proposal for the promulgation, modification, or revocation of any health and safety standard under this section, the Secretary shall review such proposal, and respond, within sixty days after receipt of such proposal, as to whether or not proceedings with respect to such proposal will be initiated under this subsection. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

"(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking health and safety standards in the Federal Register and shall afford interested persons a period of sixty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

"(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefore and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the health and safety standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

"(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking a health and safety standard or make a determination that a rule should not be issued which shall be published in the Federal Register, together with an explanation of the reasons for such determination. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected operators and miners will be informed of the existence of the standard and of its terms and that operators affected are given an opportunity to familarize themselves and their miners with the existence of the requirements of the standard.

"(5)(A) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no miner will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the miner, other considerations shall be the number of miners exposed to the hazard, the latest available scientific data in the field, the feasibility of the standard, experience gained under this Act, the Occupational Safety and Health Act of 1970, the Federal Coal Mine Health and Safety Act of 1969, and the Atomic Energy Act of 1954, and experience gained by appropriate Federal agencies with expertise relating to conditions and practices in mines subject to this Act. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

"(B) Any standard dealing with toxic materials or harmful physical agents promulgated under this section shall provide for miners or their representatives the opportunity to observe monitoring and measuring of miner exposures to toxic materials or harmful physical agents required to be monitored or measured under such standard and the opportunity for access to the records thereof required to be maintained under section 8(b)(3). Such standard shall provide that each miner or former miner shall have access to such records of medical examinations and other tests as will indicate his own exposure to such toxic materials or harmful physical agents, and each operator shall promptly notify any miner who has been or is being exposed to such toxic materials or harmful physical agents in con-

centrations or at levels which exceed those prescribed by the standard, and shall inform any miner who is thus being exposed of the corrective action being taken. Where appropriate, the standard shall provide that where a determination is made that a miner may suffer a material impairment of health or functional caapcity by reason of exposure to the hazard covered by the standard, that miner shall be removed from such exposure and reassigned. In such event, the standard shall also provide that there shall be no loss of earnings, seniority, or status to the miner as a result of such removal and reassignment.

"(6) Any standard promulgated under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that miners are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Such standard shall also prescribe suitable protective equipment and control and technological procedures to be used in connection with such hazards and shall provide for monitoring and measuring miner exposure at such locations and intervals, in such manner as may be necessary for the protection of miners. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations and other tests which shall be made available by the operator or at his cost, to miners exposed to such hazards in order to most effectively determine whether the health of such miners is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secreary of Health, Education, and Welfare. The results of such examinations and tests shall be furnished only to the Secretary, the Secretary of Health, Education, and Welfare, the operator or his authorized agent (except in the case of examinations furnished by the Secretary of Health, Education, and Welfare), and, at the request of the miner, to himself, his authorized representative, or his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

"(7) As soon as possible after the date of enactment of the Mine Safety and Health Act of 1976, but in no event later than three years after such date, the Secretary of Health, Education, and Welfare shall, for each toxic material or harmful physical agent which is on the list required under section 23(h) and which is not covered by a health and safety standard promulgated under this section, determine under such section 23(h) whether such material or agent is potentially toxic at the concentrations in which it is used or found in a mine, and shall immediately submit such determination of the Secretary, totgether with all pertinent criteria. Within ninety days after receiving any determination together with criteria in accordance with the preceding sentence, the Secretary shall either appoint an advisory committee to make recommendations with respect to a health and safety standard covering such material or agent in accordance with paragraph (1) or publish a proposed rule promulgating such a health and safety standard in accordance with paragraph (2).

"(8) In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory health and safety standards, including the recommendations of the Secretary of Health, Education, and Welfare regarding such need.

"(c)(1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that miners are exposed to grave danger from exposure to substances or agents determined to be toxic or to cause injury or from other hazards, and (B) that such emergency standard is necessary to protect miners from such hazard.

"(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3).

"(3) Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with subsection (b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than nine months after publication of the emergency standard as provided in paragraph (2).

"(d) The Secretary may establish an advisory committee to assist him in his standard-setting functions under this section. Each such committee shall consist of not more than fifteen members, including as members designees of the Secretary of Health, Education, and Welfare and of the Secretary of the Interior, and including among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of mine health and safety agencies of the States. Any such advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in mine safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member of such a committee who is a representative of the mine health or safety agency of that State, reimbursement sufficient to cover the actual cost of the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

"(e) Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

"VARIANCES

"SEC. 6. (a) Any affected operator may apply to the Secretary for a rule or order for a variance from a standard promulgated under section 5. Affected miners shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an operator will provide employment and places of employment to his miners which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the operator must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an affected operator or miner, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

"(b) The Secretary may grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare or the Secretary of the Interior certifies, that such variance is necessary to permit an operator to participate in an experiment approved by him or by the Secretary of Health, Education, and Welfare or the Secretary of the Interior designed to demonstrate or validate new and improved techniques to safeguard the health or safety of miners, if the Secretary determines that adequate protection is afforded to the health and safety of miners.

"(c)(1) Any operator may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under section 5. Such temporary order shall be granted only if the operator files an application which meets the requirements of paragraph (2) and establishes that (A) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (B) he is taking all available steps to safeguard his miners against the hazards covered by the standard, and (C) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this subsection shall prescribe the practices, means, methods, operations and processes which the operator must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to miners and an opportunity for a hearing: *Provided*, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the operator to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice so long as the requirements of this subsection are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than one hundred and eighty days.

"(2) An application for a temporary order under this subsection shall contain—

"(A) a specification of the standard or por-

tion thereof from which the operator seeks a variance;

"(B) a representation by the operator, supported by representations from qualified persons having first-hand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor;

"(C) a statement of the steps he has taken and will take (with specific dates) to protect miners against the hazard covered by the standard;

"(D) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard; and

"(E) a certification that he has informed his miners of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to miners are normally posted, and by other appropriate means.

A description of how miners have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

"(d) The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected miners and an opportunity being afforded for a hearing.

"(e) Whenever the Secretary grants any variance, variation, tolerance, or exception under this section, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

"INSPECTIONS

"SEC. 7. (a) In order to carry out the purposes of this Act, the Secretary, or the Secretary of Health, Education, and Welfare, or an authorized representative of either, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

"(1) to enter without delay, and at reasonable times, any mine subject to this Act, and

"(2) to inspect and investigate, during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to consult privately with any such employer, owner, operator, agent, or miner. In carrying out the requirements of this section in each mine, the Secretary shall make inspections of each entire underground mine at least four times a year and inspections of each entire surface mine and each milling operation of a mine at least two times a year. No advance notice shall be given for any inspection or investigation under this section except upon the authorization of the Secretary.

"(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

"(c) Subject to regulations issued by the Secretary, a representative of the operator and a representative authorized by his miners shall be given an opportunity to accompany the Secretary or his authorized representative during the inspection of any mine under subsection (a). Where there is no authorized miner representative, the Secretary or his authorized representatives shall consult with a reasonable number of miners concerning matters of health and safety in the mine. To the extent that the inspector determines that more than one representative from each party would further aid the inspection, he can permit each party to have an equal number of such additional representatives. Any representative of miners who is also an employee of the operator shall suffer no loss of pay as a result of his participation in the inspection made under this subsection.

"(d)(1) Any miner or representative of miners who believes that a violation of section 4(a) exists which may cause injury, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any miner or representative of miners who requests such an inspection on the grounds that an imminent danger exists shall notify the operator of such request, but compliance by such miner or representative with the requirement of this sentence shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act. Upon such notification the Secretary shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists, unless the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, in which case he shall notify the miners or representative of the miners in writing of such determination. The Secretary shall make an inspection or give notification under the preceding sentence within thirty days after receipt by the Secretary of a notification of violation or imminent danger under the first sentence of this paragraph.

"(2) Prior to or during any inspection of a mine, any miners or representatives of miners employed in such mine may notify the Secretary or any representative of the Secretary responsible for conducting the inspection of any violation of this Act which they have reason to believe exists in such mine. The Secretary shall inspect such violation as soon as practicable after, but in no event later than ten days after, receipt of such notification, except as provided under the following sentence. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to conduct an inspection or issue a citation with respect to any such alleged violation and shall furnish the miners or representatives of miners requesting such review a written statement of the reasons for the Secretary's final disposition of the case within thirty days after the request for informal review.

"(3) Upon the request of any individual giving notice under this subsection, his name and the names of individual miners referred to in such notice shall not appear on any record published, released, or made available under this Act. A copy (subject to the requirement of the preceding sentence) of any notice given under this subsection shall be given, at the time of the inspection, to the operator.

"REQUIREMENTS IN CASES OF ACCIDENTS; RECORDS AND REPORTS

"SEC. 8. (a)(1) For purposes of this section, the term "accident" includes any mine explosion, ignition, fire, unintentional roof fall, or inundation, whether or not resulting in the death or injury of any miner and includes any other accident which results in the death or injury (other than a minor injury requiring only first aid treatment and which does not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job) of any miner.

"(2) Each accident in a mine shall be investigated by the operator or his agent to determine the cause and the means of preventing a recurrence. Records of such accidents and investigations, together with a description of any conditions similar to those which caused the accident which exist in other areas of the mine, and a description of the actions taken by the operator to prevent a similar accident in the same or another area of the mine, shall be kept by the operator and made available to the Secretary or his authorized representative. Such records shall be open for inspection by miners or representatives of miners who are accompanying the Secretary or his authorized representative pursuant to section 7(c).

"(3) In the event of any accident occurring in a mine, the operator shall promptly notify the Secretary thereof and shall take appropriate measures to prevent the destruction of any evidence which would assist in investigating the cause or causes thereof. In the event of any accident occurring in a mine where rescue and recovery work is necessary, the Secretary or an authorized representative of the Secretary shall take whatever action he deems appropriate to protect the life of any person, and he may, if he deems it appropriate, supervise and direct the rescue and recovery activity in such mine.

"(4) During any inspection in accordance with section 7, the Secretary or his authorized representative shall investigate all conditions relating to accidents which have occurred in such mine, shall review records pertaining to accidents required to be maintained under this section, and shall determine whether actions have been taken by the operator to prevent accidents similar to any such accidents so recorded, and whether any failure to take preventive action violates any health and safety standard promulgated under section 5.

"(b)(1) Each operator shall keep and make available to the Secretary or the Secretary of Health, Education, and Welfare, or the Secretary of the Interior, such records regarding his activities relating to this Act as the Secretary, after consultation with the Secretary of Health, Education, and Welfare and the Secretary of the Interior, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of accidents and illnesses in the mines subject to this Act. In order to carry out the provisions of this subsection such regulations may include provisions requiring operators to conduct periodic inspections.

"(2) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare and the Secretary of the Interior, shall prescribe regulations requiring operators to maintain accurate records of, and to make prompt reports on, work-related deaths and injuries (other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job). The Secretary shall forward to the Secretary of Health, Education, and Welfare records of such deaths and injuries which are caused by disease.

"(3) The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring operators to maintain for an appropriate length of time accurate records of miner exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 5, and shall develop and maintain an effective program of collection, compilation, and analysis of statistics relating to health and safety in mines subject to this Act, including accurate statistics on all disabling, serious, or significant work injuries, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

"MINIMUM BURDEN ON SMALL BUSINESS

"SEC. 9. (a) Any information obtained by the Secretary, the Secretary of Health, Education, and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon operators of small mines subject to this Act. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

"(b) The Secretary shall provide to each operator of a mine subject to this Act an accurate and complete copy of the health and safety standards promulgated under section 5 including any emergency temporary standard under subsection (d) of such section, together with any regulations under this Act which affect such operator, at the first inspection in accordance with section 7 which occurs after (1) the commencement of operations in such mine or (2) the effective date of section 2 of the Mine Safety and Health Act of 1976, whichever is later, and at least once each year after that inspection. In addition, at each inspection of a mine in accordance with section 7, the Secretary shall furnish the operator with current copies of any such standards and regulations which have been changed since the previous inspection of such mine. Compliance with this subsection shall not be a jurisdictional prerequisite to the enforcement of any provision of this Act.

"MINER EDUCATION AND ACCESS TO INFORMATION

"SEC. 10. (a) Copies of records of miner exposures to toxic materials or harmful physical agents required to be maintained under section 8(b)(3) shall be furnished to the Director of the National Institute for Occupational Safety and Health established under section 22 of the Occupational Safety and Health Act of 1970 upon request. The Director of the National Institute for Occupational Health and Safety shall advise miners (or their authorized representatives) and the operator (or his agent) on any injury or risk of injury indicated by such records, as he deems appropriate.

"(b)(1) The Secretary, in cooperation with the Director of the National Institute for Occupational Safety and Health, and in cooperation with any State program of education and training in the field of mine safety and health, shall carry out a program of education and training for miners employed in mines subject to this Act. Such program shall include publications to be made available to such miners and regular visits by health experts to such mines, for the purpose of improving the health and safety of such mines, and assistance to miners (or their authorized representatives) in evaluating their exposures to toxic materials or harmful physical agents.

"(2) As part of the program of education and training for miners under this subsection, the Secretary shall develop, publish, and disseminate to miners manuals, and annual supplements to or revisions of such manuals, which contain an explanation of all health and safety standards promulgated under section 5 and all regulations under this Act which affect the health and safety of miners, and an explanation of personal protective equipment and the use of such equipment. Such manuals shall be designed so as to assist miners to become more knowledgeable with respect to health and safety in mines.

"(c) The Secretary shall issue regulations requiring that operators, through posting of notices or other appropriate means, keep their miners informed of their protections and obligations under this Act, including the provisions of applicable standards. Such regulations shall provide for the posting, at conspicuous locations, of notices (to be provided to operators by the Secretary) which shall advise miners of such protections and obligations together with the address and telephone number of the nearest regional office of the Department of Labor. Copies of the health and safety standards promulgated under section 5 and regulations under this Act which affect such operators which are furnished to such operators under section 10(b) shall be available in a location in or about each mine subject to this Act which is easily accessible by miners and at which miners check in and out on a daily basis.

"CITATIONS

"SEC. 11. (a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an operator of a mine subject to this Act has violated a requirement of section 4 of this Act, of any standard, rule, or order promulgated pursuant to section 5 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the operator. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citations shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no substantial direct or immediate relationship to safety or health.

"(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred, and at a location in or about the mine in which the violation occurred at which miners check in and out on a daily basis.

"(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

"CLOSURE PROCEDURES

"SEC. 12. (a)(1) If, upon any inspection or investigation of a mine which is subject to this Act, an authorized representative of the Secretary finds that conditions or practices in such mine are such that an imminent danger exists, such representative shall determine the extent of the area of such mine throughout which the danger exists, and issue an order requiring the operator of such mine to cause all persons, except those referred to in subsection (a)(2), to be withdrawn from, and to be prohibited from entering, such area until an authorized representative of the Secretary determines that such imminent danger no longer exists. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 11 or the proposing of a penalty under section 16.

"(2) Persons who shall not be prohibited from entering an area of a mine under an order issued under paragraph (1) are:

"(A) any person whose presence in such area is necessary, as determined jointly by the operator of the mine and an authorized representative of the Secretary, or as determined by an authorized representative of the Secretary, to eliminate the danger described in the order;

"(B) any public official whose official duties required him to enter such area; or

"(C) any legal or technical consultant, or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, as determined jointly by the operator of the mine and an authorized representative of the Secretary, or as determined by an authorized representative of the Secretary, for the proper investigation of the conditions described in the order.

"(3) Whenever and as soon as an inspector concludes that conditions or practices described in paragraph (1) exist in any mine, he shall inform the affected miners and operators of the danger and that he is issuing an order under this subsection.

"(b) If the Secretary arbitrarily or capriciously fails to take appropriate action under subsection (a), any miner who may be injured by reason of such failure, or the representative of such miners, may bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the operator has its principal office, or for the District of Columbia, for an order to compel the Secretary to issue such an order and for such further relief, as may be appropriate.

"(c) If, upon any inspection or investigation of a mine which is subject to this Act, an authorized representative of the Secretary finds that there has been a failure to correct a violation for which a final order is in effect under section 13, within the time period specified pursuant to a citation under section 11(a), and he shall also find the extent of the area which is affected by such violation. Thereupon, he may promptly make an order requiring the operator of such mine to cause all persons in such area, except those referred to in subsection (a)(2), to be withdrawn from, and to be prohibited from entering such area until an authorized representative of the Secretary determines that such violation has been corrected. The issuance of an order under this subsection shall not preclude the issuance of a citation under section 11 or the proposing of a penalty under section 16.

"(d) Orders issued pursuant to this section shall contain a detailed description of the conditions or practices which cause and constitute an imminent danger or a violation of any health or safety standard promulgated under section 5 or a violation of section 4, as the case may be, and, where appropriate, a description of the area of the mine from which persons must be withdrawn and prohibited from entering.

"(e) Each order issued under this section shall be given promptly to the operator or his agent by an authorized representative of the Secretary issuing such order, and all such orders shall be in writing and shall be signed by such representative.

"(f) The Secretary shall by regulation establish a procedure for informal review of any closure order issued under this subsection (c), and the Secretary may, in modifying or setting aside such order, order that the operator shall not be obligated for part of, or all of, the compensation to which miners are entitled under section 24, and shall furnish any operator requesting such review a written statement of the reasons for the Secretary's final disposition of the matter within three days after the request for informal review.

"(g) Any person adversely affected or aggrieved by an order issued under this section may obtain a review of such order in the United States district court for the district in which the danger or violation is alleged to exist or in which the operator has its principal office by filing in such court within sixty days following the issuance of such order a written petition praying that the

order be modified or set aside, and the court may, in modifying or setting aside such order, order that the operator shall not be obligated for part of, or all of, the compensation to which miners are entitled under section 24. The modification or setting aside of such an order by any court shall not preclude the issuance of a citation under section 11 or the proposing of a penalty under section 16.

"PROCEDURE FOR ENFORCEMENT

"SEC. 13. (a) If, after an inspection or investigation, the Secretary issues a citation under section 11(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the operator by certified mail of the penalty, if any, proposed to be assessed under section 16 and that the operator has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days after the receipt of the notice issued by the Secretary the operator fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any miner or representative of miners under subsection (c) within fifteen working days after the citation is posted under section 11(b), the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

"(b) If the Secretary has reason to believe that an operator has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not end until the entry of a final order by the Commission, in the case of any review proceedings under this section initiated by the operator wherein the Commission orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the operator will suffer irreparable loss or damage from the application of those requirements), the Secretary shall notify the operator by certified mail of such failure and of the penalty proposed to be assessed under section 16 by reason of such failure, and that the operator has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days after the receipt of notification issued by the Secretary, the operator fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order and not subject to review by any court or agency.

"(c) If an operator notifies the Secretary that he intends to contest a citation issued under section 11(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days after a citation is posted under section 11(b), any miner or representative of miners files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty or directing other appropriate relief, and such order shall become final thirty days after its issuance. Upon a showing by an operator of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected miners or representatives of affected miners an opportunity to participate as parties to hearings under this subsection. Commencement of proceedings under this subsection shall not operate as a stay of the abatement requirements of any citation issued under section 11(a) unless the Commission, after determining that the operator will suffer irreparable loss or damage from the application of those requirements, so orders, after an expedited hearing.

"(d)(1) No person shall discharge or in any manner discriminate against or interfere with the exercise of the statutory rights of any miner because such miner has filed or made a complaint under or related to this Act, including a complaint notifying his labor or safety representative of an alleged danger or safety or health violation in the mine, or because such miner has instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding, or because of the exercise by such miner on behalf of himself or others of any statutory right afforded by this Act, or because the miner has refused to work in any area of a mine from which persons must be withdrawn and prohibited from entering pursuant to an order under section 12.

"(2) Any miner who believes that he has been discharged, interfered with, or otherwise discriminated against by any person in violation of paragraph (1) of this subsection, or any miner who has not received compensation due under section 24 or who has been deprived of any right created by or under sections 5(b)(5)(B), 5(b)(6), and 7(c) may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination or deprivation. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as the Secretary deems appropriate. If, upon such investigation, the Secretary determines that there is probable cause to believe that the provisions of paragraph (1) of this subsection have been violated, or that a miner has not received compensation due under section 24 or has been deprived of a right created by or under sections 5(b)(5)(B), 5(b)(6), and 7(c), as the case may be, the Secretary shall file a complaint with the Commission within ninety days after such determination of probable cause, and the Commission shall immediately serve upon the alleged violator and the miner notice of the allegation of such discrimination or deprivation and a proposed order granting appropriate relief. The Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming, modifying, or vacating the proposed order, or directing other appropriate relief; and such order shall become final thirty days after its issuance. The Commission shall have authority in such proceedings to require a person committing a violation of this subsection to take such affirmative action to abate the violation as the Commission deems appropriate, including, but not limited to, the rehiring or reinstatement of the miner to his former position with back pay and interest.

"(3) Within ninety days of the receipt of a complaint filed under paragraph (2) of this subsection, the Secretary shall notify the miner in writing, of the Secretary's determination as to whether a violation has occurred. If the Secretary, upon investigation, determines that the provisions of paragraph (1) of this subsection have not been violated, or that there has been no failure to provide compensation due under section 24, or that there has been no deprivation of a right created by or under sections 5(b)(5)(B), 5(b)(6), and 7(c), as the case may be, the complainant shall have the right, within thirty days of notice of the Secretary's determination, to request a hearing before the Commission, and the Commission shall conduct a hearing, in accordance with the provisions of paragraph (2) pertaining to the conduct of a hearing, on such complainant's charges. Whenever an order is issued sustaining the miner's charges under this paragraph, a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) as determined by the Commission to have been reasonably incurred by the miner for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation. Proceedings under this section shall be expedited by the Commission. Any order issued by the Commission under this paragraph shall be subject to judicial review in accordance with section 14. Violations by an operator of paragraph (1) of this subsection or deprivation by an operator of any right of any miner created by or under section 5(b)(5)(B), 5(b)(6), 7(c), or 24 shall be a violation for which a penalty may be assessed under section 16(a).

"JUDICIAL REVIEW

"SEC. 14. (a)(1) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) or (d) of section 13 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the operator has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission or to the Secretary, whichever is appropriate, and to the other parties, and thereupon the Commission or the Secretary, whichever is appropriate, shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission or the Secretary, as the case may be, and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission or the Secretary, as the case may be.

"(2) In the case of an order of the Commission, no objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to ques-

tions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order.

"(3) Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code. Petitions filed under this subsection shall be heard expeditiously.

"(b) The Secretary may also obtain review of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the operator has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 13, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the operator named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 16, in addition to invoking any other available remedies.

"(c) The Secretary may institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which a mine is located or in which the operator of such mine has his principal office, whenever such operator or his agent (1) violates or fails or refuses to comply with any order issued under section 12, or (2) interferes with, hinders, or delays the Secretary or his authorized representative, or the Secretary of Health, Education, and Welfare or his authorized representative, in carrying out the provisions of the Act, or (3) refuses to admit such representatives to the mine, or (4) refuses to permit the inspection of the mine, or the investigation of an accident or occupational disease occurring in, or connected with, such mine, or (5) refuses to furnish any information or report requested by the Secretary or the Secretary of Health, Education, and Welfare in furtherance of the provisions of this Act, or (6) refuses to permit access to, and copying of, such records as the Secretary or the Secretary of Health, Education, and Welfare determines necessary in carrying out the provisions of this Act. The court shall have jurisdiction to provide such relief as may be appropriate. Temporary restraining orders shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure except that the time limit in such orders, when issued without notice, shall be seven days from the date of entry. Except as otherwise provided herein, any relief granted by the court to enforce an order under clause (1) of this subsection shall continue in effect until the completion or final termination of all proceedings for review of such order under this Act, unless, prior thereto, the district court granting such relief sets it aside or modifies it. In any action instituted under this subsection to enforce an order issued by the Secretary after a public hearing in accordance with section 554 of title 5 of the United States Code, the findings of the Commission or the Secretary, as the case may be, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"REPRESENTATION IN CIVIL LITIGATION

"SEC. 15. Except as provided in section 518 (a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

"PENALTIES

"SEC. 16. (a) Any operator who violates a safety or health standard prescribed by or under this Act, or any of the requirements of section 8, or any rule, order, or regulation promulgated pursuant to this Act, may be assessed a civil penalty of not more than $1,000 for each such violation.

"(b) Any operator who fails to correct a violation for which a citation has been issued under section 11(a) within the period permitted for its correction (which period shall not end until the entry of a final order by the Commission, in the case of any review proceedings under section 13 initiated by the operator wherein the Commission orders, after an expedited hearing, the suspension of the abatement requirements of the citation after determining that the operator will suffer irreparable loss or damage from the application of those requirements, or until the entry of an order of the court, in the case of any review proceedings under section 14 initiated by the operator wherein the court orders the suspension of the abatement requirements of the citation) shall be assessed a civil penalty of not more than $1,000 for each day during which such failure or violation continues.

"(c) Whenever a corporate operator violates a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, any director, officer, or agent of such corporation who knowingly authorized, ordered, or carried out such violation shall be subject to the same civil penalties, fines, and imprisonment that may be imposed upon a person under subsection (a), (b), (d), (e), (f), or (g) of this section.

"(d) Any operator who willfully or repeatedly violates a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, shall be assessed a civil penalty of not more than $10,000;

"(e) Any operator who willfully or repeatedly violates a safety or health standard prescribed by or under this Act, or any rule, order, or regulation promulgated pursuant to this Act, and that violation causes death to any individual, shall upon conviction, be punished by a fine of not more than $25,000 or imprisonment for not more than one year, or both.

"(f) Any person who gives unauthorized advance notice of any inspection to be conducted under this Act shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both.

"(g) Whoever knowingly makes any false statement, representation, or certification in any publication, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or by both.

"(h) Any operator who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to $500 for each violation.

"(i) Any miner who willfully violates the mandatory safety standards relating to smoking or the carrying of smoking materials, matches, or lighters shall be subject to a civil penalty assessed by the Commission of not more than $250 for each occurrence of such violation.

"(j) The Commission shall have authority to assess all civil penalties provided in this Act. In assessing civil monetary penalties, the Commission shall give due consideration to the gravity of the violation, the good faith of the person charged, the history of previous violations, and the appropriateness of the penalty with respect to the size of the business of any mine operator being charged: *Provided*, That, in proposing civil penalties under this Act, the Secretary may rely upon a summary review of the information available to him and shall not be required to make findings of fact concerning the above factors.

"(k) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer resides or maintains a place of business.

"EFFECT ON STATE LAWS

"SEC. 17. (a) Nothing in this Act shall prevent any State agency or court from exercising enforcement or other authority under the State law to protect the public health and welfare.

"(b) Nothing in this Act shall prevent any State from carrying out a program (independent of or in conjunction with the program developed under section 10(b)) of education and training in the field of safety and health in mines subject to this Act, or any program of consultation, gathering and compilation of statistics, or research and development of technology in such field.

"THE FEDERAL METAL AND NONMETALLIC MINE SAFETY AND HEALTH COMMISSION

"SEC. 18. (a) The Federal Metal and Nonmetallic Mine Safety and Health Commission is hereby established. The Commission shall consist of three members, appointed by the President by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

"(b) The terms of the members of the Commission shall be six years, except that—

"(1) members of the Commission first taking office after the date of enactment of the Mine Safety and Health Act of 1976, shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years; and

"(2) a vacancy caused by the death, resignation, or removal of any member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term.

Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(3) The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Commission shall appoint such employees as it deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and general pay rates. The Commission shall appoint such hearing examiners as it deems necessary to carry out the functions of the Commission. Assignment, removal, and compensation of hearing examiners shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

"(c) Two members of the Commission shall constitute a quorum and official action

can be taken only on the affirmative vote of at least two members.

"(d) A hearing examiner appointed by the Commission to hear matters under this Act shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such hearing examiner by the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the hearing examiner shall become the final order of the Commission within thirty days after its issuance, unless within such period any member of the Commission has directed that such report shall be reviewed by the Commission.

"(e)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(64) Chairman, Federal Metal and Nonmetallic Mine Safety and Health Commission'.

"(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(108) Members, Federal Metal and Nonmetallic Mine Safety and Health Commission'.

"(3) The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

"(4) Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceeding shall be in accordance with the Federal Rules of Civil Procedure.

"(5) The Commission may order testimony to be taken by deposition in any proceeding pending before it at any stage of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this paragraph, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

"(6) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

"ASSISTANT SECRETARY FOR MINE SAFETY AND HEALTH

"SEC. 19. (a) There is established in the Department of Labor an office of the Assistant Secretary for Mine Safety and Health, which shall be filled by appointment by the President, by and with the advice and consent of the Senate. The Secretary shall carry out his functions under this Act (except section 5(a)(3) and section 22(c)) through the Assistant Secretary for Mine Safety and Health.

"(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(109) Assistant Secretary for Mine Safety and Health.'

"ADVISORY COMMITTEE

"SEC. 20. (a)(1) There is hereby established a National Advisory Committee on Metal and Nonmetallic Mine Safety and Health consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare and the Secretary of the Interior, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, metal and nonmetallic mine health and safety professions and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of metal and nonmetallic mine health and safety.

"(2) The Committee shall advise, consult with, and make recommendations to the Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior on matters relating to the administration of this Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

"(3) The members of the Committee shall be compensated in accordance wiht the provisions of section 3109 of title 5, United States Code.

"(4) The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

"PUBLICATION, ANNUAL REPORT, AND REGULATIONS

"SEC. 21. (a) The Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this Act.

"(b) The Secretary shall transmit to the Congress no later than February 1 of each year a report on the administration of this Act, including the progress toward achieving the purposes of this Act, the needs and requirements in the field of metal and nonmetallic mine safety, and other relevant information (including information regarding health and safety standards established under section 5, and a summary of inspection and enforcement activity undertaken, and analysis and evaluation of research activities), and recommendations for additional legislation.

"(c) The Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior shall each prescribe such rules and regulations as he may deem necessary to carry out his responsibilities under this Act, including rules and regulations dealing with the inspection of a mine subject to this Act.

"TRANSFER MATTERS

"SEC. 22. (a) The functions of the Secretary of the Interior under this Act (as this Act was in effect immediately prior to the effective date of section 2 of the Mine Safety and Health Act of 1976) are transferred to the Secretary, except those which are transferred to the Commission or to the Secretary of Health, Education, and Welfare or which remain as functions of the Secretary of the Interior under this Act (as in effect on the effective date of section 2 of the Mine Safety and Health Act of 1976).

"(b)(1) All unexpended balances of appropriations, personnel, property, records, obligations, and commitments which are used primarily with respect to any function transferred under the provisions of subsection (a) of this section to the Secretary shall be transferred to the Department of Labor. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this section.

"(2) All orders, decisions, determinations, rules, regulations, permits, contracts, certificates, license, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are trasferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, the Commission, the Secretary of Health, Education, and Welfare, by any court of competent jurisdiction, or by operation of law.

"(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Secretary or the Commission. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, the Commission, by court of competent jurisdiction, or by operation of law.

"(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary, then such suit shall be continued by the Secretary. No cause of action, and no suit, action, or other proceeding by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactment of this section. Causes of actions, suits, actions, or other proceedings may be asserted by or against the United States or the Secretary as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

"(c) In making a determination under section 5(a)(3) of this Act of which of the occupational health and safety standards promulgated under section 6 of the Occupational Safety and Health Act of 1970 pertain to the milling of minerals in mines subject to this Act, including a determination of what constitutes mineral milling for purposes of section 3(a)(2), the Secretary shall give due consideration to the convenience of administration resulting from the delegation to one Assistant Secretary of all authority with respect to the health and safety of miners employed at one physical establishment.

"(d) For purposes of this section, (1) the term 'function' includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any officer or officer of such agency or department.

"RESEARCH AND RELATED ACTIVITIES

"SEC. 23. (a)(1) The Secretary of Health, Education, and Welfare and the Secretary of the Interior, as appropriate, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and

demonstrations relating to safety and health in mines subject to this Act including studies of lung and respiratory diseases and carcinogenic substances, and studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with safety and health problems associated with mines subject to this Act.

"(2) Before conducting any research, experiments, or demonstrations under this Act, the Secretary of Health, Education, and Welfare and the Secretary of the Interior, as appropriate, shall, after receiving from the Secretary a description of the research needs under this Act, submit to the Secretary a list of proposed projects. No research, experiment, or demonstration project may be conducted under this section unless approved by the Secretary.

"(b) Activities under subsection (a) in the field of mine health, including research related to the development of personal protective equipment, shall be carried out by the Secretary of Health, Education, and Welfare, and activities under subsection (a) in the field of mine safety shall be carried out by the Secretary of the Interior.

"(c) Within two years after the date of enactment of the Mine Safety and Health Act of 1976, and annually thereafter, the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to mine materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

"(d) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

"(e) The Secretary of Health, Education, and Welfare, on the basis of research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment in mines subject to this Act, including but not limited to the exposure levels at which no miner will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

"(f) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to safety and health in mines subject to this Act as are necessary to explore new problems, including those created by new technology in mine safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of mine safety and health.

"(g) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under subsection (d), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of miners to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of miners. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of miners to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any operator who is required to measure and record exposure of miners to substances or physical agents as provided under this Act, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

"(h) The Secretary of Health, Education, and Welfare shall publish within six months after the enactment of the Mine Safety and Health Act of 1976 and thereafter as needed but at least annually a list of all known toxic substances occurring or found in mines subject to this Act by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any operator or authorized representative of miners, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the mine has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to operators and affected miners as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in wihch it is used or found in a mine, and such substance is not covered by a safety or health standard promulgated under section 5, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

"(i) The Secretary of Health, Education, and Welfare is authorized to make inspections and question operators and miners as provided in section 7 of this Act, and to make medical examinations available to miners exposed to health and safety hazards in mines subject to this Act, in order to carry out his functions and responsibilities under this section. The results of such medical examinations shall be made available to the miner and his authorized representative.

"(j) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his repsponsibilities under this subsection the Secretary shall cooperate wtih the Secretary of Health, Education, and Welfare, the Secretary of the Interior, and any other appropriate administrative head of any agency of the United States, in order to avoid any duplication of efforts under this section.

"(k) In carrying out his responsibilities under this Act, the Secretary is authorized to—

"(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

"(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS-18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

"(l) Information obtained by the Secretary, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior under this section shall be disseminated by the Secretary to operators of mines subject to this Act and miners and organizations thereof.

"(m) The functions of the Secretary of Health, Education, and Welfare under this Act, shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of the Occupational Safety and Health Act of 1970.

"ENLISTMENT OF MINERS

"SEC. 24. If a mine or area of a mine is closed by an order issued under section 12, all miners who are idled as a result of such order including any miner who refuses to work in any area of a mine from which persons must be withdrawn and prohibited from entering pursuant to such an order, in cases where the operator fails or refuses to comply with such order, shall be entitled (except as provided in section 12(f) and section 12(g)) to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than one week.

"CONFIDENTIALITY OF TRADE SECRETS

"SEC. 25. All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

"REPORT OF COMMENCEMENT OF OPERATION OF A MINE

"SEC. 26. Each operator of a mine subject to this Act who employs three or more miners shall report any commencement, after the effective date of section 2 of the Mine Safety and Health Act of 1976, of operations in such mine to the Secretary.

"ECONOMIC ASSISTANCE TO SMALL MINE OPERATORS

"SEC. 27. (a) Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

"(1) by striking out the period at the end of paragraph (8) and inserting in lieu thereof '; and'; and

"(2) by adding after paragraph (8) a new paragraph as follows:

"'(9) to make such loans (either directly or in coperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern, which is an operator of a mine as defined in the Federal Metal and Nonmetallic Mine Safety Act and which is subject to that Act; in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 5 of the Federal Metal and Nonmetallic Mine Safety Act, if the Administration determines

that such concern is likely to suffer substantial economic injury without assistance under this paragraph.'

"(b) The third sentence of section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by striking out 'or (8)' and inserting in lieu thereo '(8), or (9)'.

"(c) Section 4(c)(1) of the Small Business Act (15 U.S.C. 633(c)(1)) is amended by inserting '7(b)(9),' after '7(b)(8),'.

"(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(9) of the Small Business Act (as added by the admendments made by subsection (a)) pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 28. (a) There are hereby authorized to be appropriated to the Secretary and the Commission for any fiscal year such sums as may be necessary to carry out the provisions of this Act.

"(b) There are hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare and to the Secretary of the Interior for any fiscal year such sums as may be necessary to carry out functions under this Act.".

SEC. 3. (a) There are hereby transferred to and vested in the Secretary of Labor all functions of the Secretary of the Interior and of other offices and officers of the Department of the Interior under title I, title II, title III, and so much of title V as pertains to the field of coal mine health and safety (except for research with respect thereto), of the Federal Coal Mine Health and Safety Act of 1969 (as such Act was in effect immediately before the effective date of this section), except that all such functions of authorized representatives of the Secretary of the Interior are hereby transferred to and vested in authorized representatives of the Secretary of Labor.

(b)(1) All unexpended balances of appropriations, personnel, property, records, obligations, and commitments which are used primarily with respect to any function transferred under the provisions of subsection (a) of this section to the Secretary of Labor shall be transferred to the Department of Labor. The transfer of personnel pursuant to this paragraph shall be without reduction in classification or compensation for one year after such transfer, except that the Secretary of Labor shall have full authority to assign personnel during such one-year period in order to efficiently carry out functions transferred to him under this section.

(2) All orders, decisions, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges (A) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this section by any department or agency, any functions of which are transferred by this section, and (B) which are in effect at the time this section takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Labor, by any court of competent jurisdiction, or by operation of law.

(3) The provisions of this section shall not affect any proceedings pending at the time this section takes effect before any department or agency, functions of which are transferred by this section; except that such proceedings to the extent that they relate to functions so transferred, shall be continued before the Secretary of Labor. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Labor, by a court of competent jurisdiction, or by operation of law.

(4) The provisions of this section shall not affect suits commenced prior to the date this section takes effect and in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this section had not been enacted; except that if before the date on which this section takes effect, any department or agency (or officer thereof in his official capacity) is a party to a suit involving functions transferred to the Secretary of Labor, then such suit shall be continued by the Secretary of Labor. No cause of action, and no suit, action, or other proceeding, by or against any department or agency (or officer thereof in his official capacity) functions of which are transferred by this section, shall abate by reason of the enactement of this section. Causes of actions, suits actions, or other proceedings may be asserted by or against the United States or the Secretary of Labor as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this paragraph.

(c) For purposes of this section, (1) the term "function" includes power and duty, and (2) the transfer of a function, under any provision of law, of an agency or the head of a department shall also be a transfer of all functions under such law which are exercised by any officer or officer of such agency or department.

(d) Section 3(a) of the Federal Coal Mine Health and Safety Act of 1969 is amended by inserting immediately before the semicolon: ", except where the functions, powers, and duties vested in the Secretary of the Interior under this Act are transferred to and vested in the Secretary of Labor under section 3 of the Mine Safety and Health Act of 1976".

SEC. 4. Sections 2 and 3 of this Act shall take effect July 1, 1977, and all transfers of functions under the amendment made by section 2 and under section 3 shall be completed not later than September 30, 1977.

SEC. 5. Nothing contained in this Act or any amendment made by this Act shall be construed to reduce the number of inspectors engaged in enforcing the provisions of the Federal Coal Mine Health and Safety Act of 1969 (as such Act was in effect immediately before the effective date of section 3 of this Act), and the Federal Metal and Nonmetallic Mine Safety Act (as such Act was in effect immediately before the effective date of section 2 of this Act), or to reduce the number of inspectors engaged in the enforcement of the Occupational Safety and Health Act of 1970.

AMENDMENTS OFFERED BY MR. DOMINICK V. DANIELS

Mr. DOMINICK V. DANIELS. Mr. Chairman, I offer a number of technical amendments, which were printed in the RECORD, and I ask unanimous consent that these technical amendments be considered en bloc.

I have discussed this with the minority, and I understand that these amendments, which are purely technical in form, are satisfactory to the other side.

The Clerk read as follows:

Amendments offered by Mr. DOMINICK V. DANIELS: Page 76, line 22, insert a single quotation mark immediately before the period.

Page 93, line 1, strike out "of" and insert in lieu thereof "to".

Page 94, line 6, strike out "Act" and insert in lieu thereof "section".

Page 103, line 22, insert "alleged" immediately before "violation".

Page 111, line 17, strike out "citattion" and insert in lieu thereof "citation".

Page 114, line 10, strike out "and".

Page 114, line 15, strike out the comma which appears immediately after "from" and insert a comma immediately after "entering".

Page 117, line 8, strike out "domage" and insert in lieu thereof "damage".

Page 121, line 3, strike out the comma.

Page 124, line 12, strike out the second period.

Page 145, line 4, strike "inspections" and insert in lieu thereof "investigations".

Page 147, line 3, strike out "Enlistment" and insert in lieu thereof "Entitlement".

Page 149, line 14, strike out "admendments" and insert in lieu thereof "amendments".

Page 153, line 9, strike out "numher" and insert in lieu thereof "number".

Mr. DOMINICK V. DANIELS (during the reading). Mr. Chairman, I ask unanimous consent that these amendments 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.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey (Mr. DOMINICK V. DANIELS) that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey (Mr. DOMINICK V. DANIELS).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer amendments which go to more than one section, and I ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. QUIE: Page 78, line 13, strike out "Labor" and insert in lieu thereof "the Interior".

Page 81, line 4, strike out "Labor" and insert in lieu thereof "the Interior".

Page 83, line 3, strike out "of".

Page 83, line 4, strike out "the Interior".

Page 83, line 14, strike out "of the Interior".

Page 94, line 16, strike out "of the Interior".

Page 106, line 12, strike out "and the Secretary of the Interior".

Page 108, line 15, strike out "and the Secretary of the Interior".

Page 106, line 24, strike out "and the Secretary".

Page 107, line 1, strike out "of the Interior".

Page 110, line 20, strike out "Labor" and insert in lieu thereof "the Interior".

Page 127, line 4, strike out "Labor" and insert in lieu thereof "the Interior".

Page 134, line 19, strike out "Labor" and insert in lieu thereof "the Interior".

Page 315, line 10, strike out everything after "Welfare".

Page 135, line 11, strike out everything before the comma.

Page 135, line 21, strike out the comma and insert in lieu thereof "and".

Page 135, line 22, strike out everything after "Welfare".

Page 135, line 23, strike out "Interior".

Page 136, line 11, strike out the first comma and insert in lieu thereof "and".

Page 136, line 12, strike out everything after "Welfare".

Page 137, line 1, strike out the first comma and insert in lieu thereof "and".

Page 137, line 2, strike out ", and the Secretary of the Interior".

Page 137, beginning with line 8, strike out everything after the second period down through "(c)" in line 22 on page 139.

Page 140, beginning with line 9, strike out everything down through line 14.

Page 140, line 17, strike out "of the Interior".

Page 140, line 18, strike out "with the Secretary and".

Page 141, line 5, strike out everything after "Welfare".

Page 141, line 6, strike out "appropriate.".

Page 141, line 16, strike out "of the Interior".

Page 145, line 17, strike out "the Secretary of the Interior,".

Page 146, line 17, strike out the comma and insert in lieu thereof "and".

Page 146, line 18, strike out everything after "Welfare".

Page 146, line 19, strike out "of the Interior".

Page 149, line 24, strike out "of the Interior".

Page 150, beginning with line 1, strike out everything down through line 7 on page 153, and insert in lieu thereof the following:

"Sec. 3. Section 2 of this Act shall take effect on July 1, 1977."

Page 153, line 8, strike out "5" and insert in lieu thereof "4".

Page 153, beginning with line 11, strike out everything after "1969" down through the comma in line 13.

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

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

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota (Mr. QUIE) that the amendments be considered en bloc?

There was no objection.

Mr. QUIE. Mr. Chairman, my amendments, by the way, were printed in the CONGRESSIONAL RECORD on June 18, 1976, a full 10 days before the House considered H.R. 13555. What this amendment does, as I explained there, is to put MESA, the enforcement agency for both the Coal Mine Safety Act and the Metal and Non-Metallic Mine Safety Act back in the Department of the Interior where it is presently, rather than transfer it over to the Department of Labor, as this bill provides.

As I had indicated before in general debate, this bill does strengthen the enforcement of the Metal and Non-Metallic Mine Safety Act and also makes the transfers.

Mr. Chairman, I have no objection to the strengthening. In fact, I like to see the program be as strong as possible. But I do not think that the kind of improved enforcement that some proponents anticipate is going to occur. In fact, I think it will not be enforced as well if it is transferred.

The amendment, while it makes a number of technical changes in the bill, does not change that one provision which upgrades the Director of MESA to an Assistant Secretary.

If my amendments are adopted, he would be an Assistant Secretary of the Interior rather than an Assistant Secretary of Labor.

Mr. Chairman, on June 28, the gentleman from New Jersey addressed the House defending H.R. 13555. He asserted that it was false to state that the transfer provisions would be transferring MESA to OSHA in the Department of Labor. He is right, but only barely. MESA, under this bill, will not go to OSHA, but it will go to the same Department that has administered OSHA. OSHA, which has been the subject of much criticism in both the House and other body, becomes a precedent for administration of the new metal and nonmetallic act. That is made clear in the committee report. Recently because of the criticism leveled at OSHA, much of which has been deserved criticism, OSHA has been limited under the appropriations process. Suppose DOL were to administer the Coal and Metal and Nonmetallic Acts in the same manner that it has administered OSHA? Such an administration that causes its jurisdiction to be severely limited would not benefit any miners. If the administration of OSHA is any indication of how the Department of Labor will administer our mine safety laws, everyone should oppose the proposed transfer.

The Education and Labor Committee heard pleas from some people in organized labor to transfer MESA from Interior to Labor, but ignored the administration's position, and most employer groups to retain MESA in Interior. Those employers who did favor transfer were obviously under the impression that transfer would be to OSHA. Why, then, would they got favor transfer—especially if thoey felt they would get inspected only once every 60 or 100 years?

However, the point is that although we heard from organized labor, the administration and employer groups, our committee did not and has not heard from the Government Operations Committee. Government Operations has jurisdiction pursuant to rule X(h)(3) to "reorganization in the executive branch of the Government." I sincerely feel the House should comply with its rules and not act percipitiously in mandating a reorganization without the advice of the Government Operations Committee.

The most important reason I seek to retain MESA in Interior can be stated simply and succinctly: A transfer of MESA from Interior to Labor does nothing to assist the cause of safety and health of miners.

A transfer does not assure more effective enforcement. A transfer does not assure the saving of a life or the avoidance of an injury. The transfer, as proposed, does not even change the personnel who administer enforcement—the same personnel of whom organized labor is critical. Finally, the transfer, as proposed, does not even assure, except for a 1-year period, that resources for mine safety and health will not be diluted through administration action into general industry safety and health. Unless some positive position, some positive good, some positive assurances can be stated for transfer, then the transfer should not be endorsed.

The most interesting aspect of the debate involving transfer involves figures from the National Safety Council. Those figures show that mining and quarrying has improved from four times to almost two times more than any other principal industry group the fatality rate per 100,000 workers. Although mining continues to be, and will continue to be, a hazardous occupation, its safety factor is improving at considerably greater speed than any other industry. Furthermore, since the creation of MESA in 1973, an increase in safety in mining is readily apparent. That could not have happened if the Department of Interior was not doing its job.

The Department of Interior is obviously doing its job, and doing its job in a conscientious manner. I urge your support for any amendment to retain MESA in Interior.

Mr. Chairman, I also want to point out that based on the Department of Interior's experience with mine safety and mine safety research since 1910, it would be extremely harmful to separate the interdependence of safety and health research from safety enforcement and from research dealing with production. Even this committee in its report recognized "a link between research on extractive technology and research on safety or control technology."

It seems to me that the one Department which has historically dealt with research regarding safety, research regarding production, and has handied safety enforcement would be more plausible than to have safety enforcement in one Department, Labor; production and safety research in another Department, Interior; and health research in even another Department, HEW. The fragmentation created by this bill will hinder the ability by the executive branch to effectively administer our Nation's energy and resource program. The fragmentation will impede the well-developed coordination between the Bureau of Mines and MESA. The fragmentation will interfere with the miners' reliance on one Department with expertise for health and safety education and leave the public without an agency with special expertise on the unique aspects of, and hazards associated with, mining.

As Secretary Kleppe told us:

Sound management of natural resource development requires a coordinated, systematic approach.

The phases of mining, exploration, extraction, processing, and reclamation have interrelated aspects, and are labor intensive. With MESA remaining in Interior, MESA can have the access to specialists in those areas, including those in geology, hydrology, dam construction, metallurgy, rock mechanics, explosives, and chemistry. At the same time, MESA can contribute to promoting safety in other Interior activities, so that safety and health considerations are incorporated in mining research activities. Engineering support functions are needed and available in Interior in regard to ground control, ventilation, fire prevention and control, explosive storage and handling, hoisting and transportation, shaft sinking, electrical equipment, dust and noise control and mine waste embankments technology. As Secretary Kleppe said:

Close coordination between these support activities and research, development, and testing is essential, as many hazards can actually be "engineered out" of equipment and machinery, and mining systems can be modified to reduce hazards.

The expertise rests in the Department of Interior. Due to Interior's continuing research function dealing with extraction and production, that expertise must remain there and much of that expertise may have to be duplicated if safety and health enforcement is transferred to Labor.

Separation of components of research is inefficient, devisive, and costly, resulting in fragmentation or duplication of efforts. Such a result should be opposed for the benefit of our Nation's miners. With DOL's view that there is an imbalance in the distribution of resources for workers' safety and health as between MESA and DOL, I am fearful that MESA's programs, and proper research dealing with mining hazards will be diluted and dispersed. That possibility should not be allowed to become a reality. The coordination within Interior should be allowed to continue and develop. Accordingly, I urge my colleagues to support my amendment retaining MESA in Interior, where there is no possibility of a funds reallocation, where safety research and production research have achieved a cooperative effort, and where expertise is generously shared to achieve wise and economic use of our Nation's resources in extractive technology with a major emphasis on the health and safety of mineworkers.

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

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

Mr. BELL. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Minnesota (Mr. QUIE) and to commend him for his amendment.

Mr. QUIE. Mr. Chairman, I thank the gentleman from California (Mr. BELL).

Again, Mr. Chairman, I urge my colleagues to look at this carefully and not just be moved by the feeling of some people who would like to have all of the legislation or laws on safety put into one Department, the Department of Labor, to which the people in organized labor feel a closer affinity, but, rather, the Department that can do it most effectively. I believe that is the Department of the Interior in this instance. Otherwise all of the dramatic improvements in safety would not have occurred in these recent years.

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

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 5 minutes.

(By unanimous consent, Mr. GAYDOS was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GAYDOS) is recognized for a total of 8 minutes.

Mr. GAYDOS. Mr. Chairman, I rise in opposition to this amendment.

Perhaps the best evidence why this amendment should be defeated was offered by my good friend and colleague, the gentleman from Minnesota (Mr. QUIE) in his remarks during general debate on June 29, 1976.

In arguing for the retention of MESA in the Department of Interior, the gentleman from Minnesota quite properly pointed out that the Bureau of Mines has had experience in mine safety since 1910.

But 66 years later, what has been the result of all this experience? I submit we have merely witnessed a bureaucratic treadmill in action all these years. The abysmal safety record in the mining industry today clearly shows the failure of the Bureau of Mines to provide for the protection of our Nation's miners.

Even with the creation of MESA in 1973 as a separate enforcement entity apart from the Bureau of Mines, the problem continues, as evidenced by the Scotia mine disaster in March of this year.

The reason for this state of arrested development in providing protection for the miner is indeed very simple. The Federal agency which possesses such extensive expertise about mine health and safety has, as its overriding mandate, not the health and safety of the miner, but rather the increased production of the basic raw materials needed by the economy.

Accordingly, the safety and health of the miner always has been an afterthought.

Apparently with minor exceptions, industry supports retention of MESA in the Department of the Interior. Why?

Many of the industry witnesses who testified before the Subcommittee on Manpower, Compensation and Health and Safety were quick to point with pride toward their industry-organized safety programs.

If these programs were so good why do we still have such grim statistics on the injuries and death in these industries?

The answer is simple. All other things being equal, undoubtedly these industries are concerned with protecting the health and safety of workers. But when a decision must be made between increased production or worker safety, the choice, unfortunately, is too often more production with a concommitant reduction in concern for the health and safety of the worker.

Now, obviously, these companies prefer to continue their relationship with an agency of like mind, where the emphasis is on greater production of raw materials, with the health and safety of the miners being a distant, second consideration.

I was indeed quite intrigued that some industry witnesses, who contended that their own safety programs are superior to Federal programs, should oppose the transfer of MESA from the Department of the Interior. If their programs are in fact superior to those of MESA, what have they to worry about if MESA is transferred to the Labor Department?

I submit that on paper they may have such superior programs. But the real question is what motivation is there for industry to implement them?

The answer is clearly none.

In my opinion, industry's resistance to the transfer of MESA to the Labor Department clearly translates itself into a fear that the program under the jurisdiction of the Department of Labor will be more effectively implemented with a greater emphasis on the health and safety of miners.

Another argument used by those who oppose the transfer of MESA to the Labor Department concerns the possible dilution of mine safety and health programs, or the possible absorption of MESA employees by OSHA.

If we were considering the opposite proposal, namely a transfer of MESA from the Labor Department to the Department of Interior, I would agree that a dilution in safety and health programs would be quite possible, since the program would be removed from an agency where the sole concern is the welfare of workers to one where this concern was secondary. But the bill before us proposes just the opposite.

Furthermore, the main reason for MESA's impotence is not because of a tight-fisted Congress refusing adequate funds, but instead, a lack of motivation on behalf of MESA's current administration which is a captive of an agency with a different mandate, namely, the production of natural resources and not the preservation of human resources.

Finally, the concern that MESA employees who possess the unique expertise on mine and safety will be absorbed by OSHA, just has no basis. The fact that MESA will be under the jurisdiction of a new Assistant Secretary of Labor for Mine Safety and Health clearly indicates the congressional intent that such expertise be used in its proper field, and not transferred to OSHA. In this manner, all Federal safety and health programs on coal and noncoal, as well as OSHA, will be in one department, with their separate administrative heads reporting to one Cabinet secretary.

Consolidating all Federal safety and health programs in the Labor Department will remove the confusion which arises where both MESA and OSHA have jurisdiction over the same physical plant.

Currently, such overlapping jurisdiction is subject to negotiations between the Secretaries of Labor and Interior. The results, specifically where milling operations are involved, to date have not been satisfactory.

Witnesses for the industry who testified before the subcommittee pointed out the current confusion and duplication of effort where OSHA and MESA overlap.

One witness graphically demonstrated this problem by exhibiting to the subcommittee members a photograph of a cement plant, indicating the various locations where MESA and OSHA had separate jurisdictions and the area where there was concurrent jurisdiction. The witness stated that in this specific area the mill could be grinding raw mix, which operations were subject to MESA jurisdiction, whereas on the next day, or even that afternoon, the mill would be grinding cement which would put it in OSHA's jurisdiction. He stated that he had no problem with either MESA or OSHA standards, but with the fact there was divided jurisdiction.

It should be obvious—as long as OSHA and MESA continue to exist in separate agencies this problem will continue.

But if MESA is transferred to the Department of Labor, the Secretary of Labor will be required, in the interpretation of milling, to "give due consideration to the conveniences of administration resulting from the delegation of one Assistant Secretary of all authority with

respect to health and safety of miners employed at one physical establishment." Additionally, the bill would require the Secretary of Labor to promulgate the necessary standards to assure that all miners employed in milling operations whether covered by MESA or OSHA have equivalent protection.

Only when enforcement of MESA and OSHA are placed in the jurisdiction of the Labor Department will this and many other questions of overlapping jurisdiction be properly resolved.

Mr. Chairman, the arguments in support of this amendment are indeed specious. I urge my colleagues to reject them and soundly defeat this amendment.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

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

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I agree with the statements that have been made by the gentleman from Pennsylvania (Mr. GAYDOS), and I would like to join with the gentleman in his remarks and to commend the gentleman for them.

Mr. Chairman, in addition to the truth of what the gentleman from Pennsylvania has been saying, when one turns to the miners and looks at this from their standpoint, it seems to me that the remarks the gentleman from Pennsylvania has been making, make it abundantly clear that the persons who are subject to injury are going to have a great deal more confidence if this responsibility for safety is in the Department of Labor than if it is retained in the Department of the Interior where it has been, as was pointed out, for the past 60 years with a record that is not too good.

So I agree with the gentleman from Pennsylvania and commend him again on the observations he has made.

Mr. GAYDOS. I thank the gentleman from Colorado for the position he has taken and for his contribution.

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

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

Mr. MURTHA. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me and I rise in opposition to this amendment.

My initial reaction was to vote for this amendment.

But I have about 10,000 active miners in the 12th District of Pennsylvania and in talking to these miners they insist that this move of MESA would make them feel more secure and would reduce accidents—I agree and now strongly oppose this amendment.

The Mine Safety and Health Act of 1976 affects more than 400,000 workers in coal, metal and nonmetallic mines and in milling operations.

The crucial feature in this bill is the provision to transfer enforcement of safety and health programs for coal and noncoal miners from the Department of the Interior to the Department of Labor.

Those who oppose the transfer rest their case primarily on the fact that mine enforcement has been lodged within the Interior Department for many years. I, for one, fail to see that this argument carries any weight other than for some bureaucrats in the Interior Department who may not wish to move their offices.

My concern is the American miner. That should be the overriding concern of those of us in the House today.

The Department of Labor has as its single responsibility the protection of the American worker. It is logical that the protection of the miner also belongs in the Labor Department.

There has been no disagreement with the provision of H.R. 13555 that elevates enforcement of mine safety and health laws to the level of an Assistant Secretary. However, simply elevating safety and health enforcement within Interior is no answer to increasing the protections for miners.

The conflict between Interior's primary concern with maximizing production of our energy resources and attempting to also carry out a safety and health program for the miner is direct and overwhelming.

I therefore urge my colleagues to resolve this conflict by transferring enforcement of mine safety and health laws from the Department of the Interior to the Department of Labor.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I move to strike the last word, and I rise in opposition to the Quie amendments.

Mr. Chairman, on March 9 and again on March 11 of this year, the Scotia Mine at Oven Fork, Ky., exploded and took the lives of 26 men. These tragedies are now being investigated by the House Education and Labor Committee and copies of the preliminary draft results of this investigation are available in the House today.

These disasters were not due to any inadequacy in the 1969 Act. They were the fault of a lack of law enforcement on the part of MESA. The Scotia coal mine simply was allowed to run in violation of the law. These are a few examples:

First. The safety director for all three of Scotia's mines stated that he knew of no safety drills in the 3½ years he had been at the mines. Evidence shows that MESA officials were aware of this, even though regulations require safety drills every 3 months.

Second. Scotia personnel started mining an entirely different area, and thus changed the mine ventilation, but, in violations of regulations 75.300 putting into effect 30 United States Code 863 (a) and (b), they never told MESA officials. When MESA officials learned of this change and the subsequent poor ventilation at least 1 week before the explosion, nothing was done. This was the section where the explosions occurred.

Third. Scotia miners never received training on their air breathers or escape-ways, and MESA knew or should have known about this, since it is covered in 30 United States Code 877(n) and in MESA's own regulations 75.1101 and 75.1700. At least six of the victims could have walked out if they had received better training.

Fourth. Scotia personnel were continually late in submitting reports required by the law, but nothing was done by MESA.

Fifth. During inspections, Scotia personnel deliberately deceived MESA inspectors by changing ventilation so that inspectors would find safe air when they tested. MESA personnel stated they suspected this, but took no action. Also, there is evidence that MESA officials made no investigation of record books, although they contained obvious discrepancies.

The list of areas in which Scotia violated the law goes on, but MESA did not act to stop this activity.

First. MESA did not even attempt to act to use its authority under the present law to close this mine down as an imminent danger, as provided in section 104 (a). Yet, since 1970, MESA has cited this mine for 855 violations of the law and closed it 110 times for imminent dangers. MESA officials testified that this was the most dangerous and gassy mine in the district.

They testified it required special attention and more inspections than any other mine in the district. It is inconceivable that a truly concerned MESA administration would not have at least tried to close this mine for being, as a whole, an imminent danger.

Second. MESA did not adequately use its authority under the provisions in section 104(c) citing owner indifference as cause to close down the Scotia mine. Yet the Scotia history shows that management had a safety be damned attitude. If this section had been enforced, the area of the mine which exploded would probably have been shut down at the time of the disaster.

Third. MESA has never assessed a criminal fine against Scotia under section 109, in spite of the fact that local personnel have recommended this action for wanton neglect on Scotia's part.

Fourth. MESA's inspections were directed toward getting numbers down on paper, and were wholly inadequate. The inspection of the area that blew up, conducted less than 24 hours before the explosion, failed to determine the conditions which led to the disaster, though they had been present for 6 weeks, according to the testimony and evidence.

As was stated several times at the hearings, no new law is needed. What is needed is enforcement of the present law, and enforcement that is directed toward the safety of the men in the mines, and not toward production.

The bill that is before the House today we feel will improve the type of enforcement which the Coal Mine Health and Safety Act of 1969 was designed to give.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the amendments.

Mr. Chairman, I rise in support of the Quie amendment. I thought when I listened to the debate while the gentleman from Pennsylvania was talking about overlapping jurisdiction, conflict, and so

forth, that it was rather humorous for a member of the Education and Labor Committee and particularly a member of the Labor Standards Subcommittee to talk about overlapping, confusion, and jurisdiction, when just a few years ago our subcommittee, then known as the General Labor Subcommittee, reported the bill which is commonly known as ERISA—Employment Retirement Income Security Act—and I supported that act, but on the floor I offered an amendment to eliminate dual jurisdiction.

This is not just a matter of two different laws being enforced by different agencies where they may get into the same plant, but our committee reported a bill which is now a law on the books, which gave two different agencies jurisdiction over the same law, so that when someone wants an exemption from the prohibited transaction provision he must go to the Internal Revenue Service and to the Department of Labor and petition both of them and get a waiver or an exemption from both agencies.

Nothing like that exists under the Metallic and Nonmetallic Safety Act and the Coal Mine Safety Act and OSHA. These are separate laws enforced by separate agencies.

The gentleman from Minnesota has offered an amendment to maintain the jurisdiction of the Metallic and Nonmetallic Safety Act and the Coal Mine Health and Safety Act in the Department of the Interior rather than to transfer it to the Department of Labor, as the bill under consideration would do.

Now of course we know that historically organized labor looks to the Department of Labor as their captive portion of Government and of course they would feel more comfortable if they could have everything having to do with labor in the Department of Labor because they would feel that they would have special consideration.

Mr. Chairman, that is not the way to consider laws, to look for special consideration or to look for control of a particular agency or department of Government.

What would happen if we put metallic and nonmetallic into the Department of Labor, the same department that has the Occupational Safety and Health Act?

I suppose then that department, which just recently told the farmers that manure is slippery and, therefore, they ought not to step on it, would come out with some sort of regulation under the Coal Mine Health and Safety Act saying that methane gas is explosive and we would all learn a great deal. It would probably cost thousands of dollars to develop a regulation to tell the coal miner that he ought not to take cigarettes, cigars or matches, down in a methane-loaded coal mine.

The gentleman from Pennsylvania has his theory as to what is wrong with enforcement and why we are not getting safety. I have my own theory.

Mr. Chairman, I served on this committee and have been in debate on the floor and in the conference committee when we developed the Coal Mine Health and Safety Act. In my opinion the reason we do not have a good record of safety are the demands of organized labor that these acts be developed in a way that is punitive against the owners of the businesses. In the Coal Mine Health and Safety Act, I remember arguing in conference that we ought to put some penalty on the coal miner who takes matches down into a coal mine. He is jeopardizing not only his own life, but the lives of his fellow workers.

The argument was made, "Oh, no, you can't do that. Penalize the owner, not the coal mine employe."

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

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

Mr. DENT. Mr. Chairman, this was a nonunion mine where there is no penalty of any kind for the treatment of a person who carries matches into the mine; but in the United Mine Workers from time immemorial anybody caught with matches, cigarettes or cigars or tobacco of any kind, outside of chewing tobacco, is immediately dismissed and loses his job and is not permitted back into the mines forever.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman from Pennsylvania for reenforcing my argument that the philosophy was, "You don't put anything in that act that might impinge on the coal miner and employee, but make the act punitive."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

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

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

Mr. ERLENBORN. Yes, I will yield.

Mr. GAYDOS. Mr. Chairman, I do want to make a very sincere observation. The gentleman in the well mentioned that there was some incongruity between the position I had taken involving this conflicting overlapping jurisdiction and what the committee had handled involving this recently; but I want to point out that if the gentleman gives due consideration, the gentleman would agree with me that we are dealing with lives here. This other legislation deals with pensions.

I do not like overlapping jurisdictions. I wish we had it in one agency; but remember, we are dealing with lives. That is why the overlapping jurisdiction is so critical.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his contribution. I know the gentleman is going to join with me and the chairman, the gentleman from Pennsylvania (Mr. DENT) in solving the dual jurisdiction problem that has arisen.

The point I am trying to make, not only in the Coal Mine Health and Safety Act, but in OSHA, the same philosophy prevails. If the owner gives the employee a hard hat or shoes with hard toes and tells him to wear them and then the employee does not wear that hat or takes those shoes off or takes the hat off, it is not the employee who suffers any penalty. It is the employer, even though he has gone to every extent possible to furnish the safety equipment and to order his employee to wear it.

Again, under OSHA we see organized labor testing to see whether the act is being enforced or not, saying, "How many fines have they imposed? How large were they, how many dollars have we gotten?"

Voluntary compliance should be the goal of these safety acts. Through voluntary compliance, we can save lives, but this punitive attitude of organized labor does not help at all. I hope the amendment will be adopted and that we can keep jurisdiction of the coal mine health and safety and nonmetallic safety in the Department of the Interior.

Mr. DENT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, time will not allow too many of the full details of what I would like to talk about today, but perhaps Members will be able to read the RECORD. I have asked permission to revise and extend my remarks in a more detailed report, and will give the real logic and reasoning for this shift. I do not mind telling the Members that it is a shift in my own thinking also, because when we passed the Coal Mine Safety Act I was convinced at that time that the proper jurisdiction for it was in the Department of the Interior, from past history.

However, in the 6 years since the passage of that act, with five major coal mine disasters resulting in a thousand deaths, the Interior Department has demonstrated that it is the wrong agency for the enforcement of this act and for the administration of it. There is a very simple reason for that. First of all, it has a division within itself. It is divided between enforcing the safety rules and the other major jurisdiction it has, which is the production of coal. Ofttimes, one takes precedence over the other, and in this case, which we ought to be talking about, the Scotia Mine disaster, is definitely took preferences over the safety of the miners.

How many Members would believe that this particular mine had no fire drills, had no rescue teams and had never had, in the memory of most of the miners, any evacuation drills? When that mine blew up on the 9th day of March, there were 11 men in that mine who died. Within 24 hours, they sent 16 more men into that mine.

There was no heavy equipment and there was not the necessary knowledge of disasters for evacuation or fire drills or any of the necessary training. When the rescue squads came there from other mines—and one came from my district in Pennsylvania—the others loaned by the major companies around there and the best safety teams and rescue teams in the United States converged on that mine, since the second batch of deaths occurred they sealed it up.

The question has always bothered me—even at night, once in a while, with no answer—why was that mine sealed immediately after the second 16 deaths? Very simple. They died, in my opinion from asphyxiation, because all the tests had proven that there was not sufficient

fresh air in that mine. They have not removed the bodies yet or taken them out, and over that lapse of time the tissues will dissolve and disappear and there will be no proof of the cause of death.

Because, there was no explosion. They went into that mine without preparation. They were only carrying a 1-hour air mask and equipment. It took them that long, almost, to get back to the place where they were going, without any reserve to come back. One man was saved. Why? Because he started back, in my opinion—and it is only a guess, but it is an educated guess—he started back to complain that there was not sufficient air for those rescuers going in, the second team.

The preshift mine examination, which is demanded by the safety clause of the Coal Mine Safety Act especially for having good ventilation, was not regularly conducted. The preshift inspection demanded by the law was not taken before that shift went in to work. In the testimony before our committee, no one yet has been able, in all the questioning, to explain why the battery-operated generator had the leads blown off the fuel tanks.

No one has ever been able to explain why there were two miners within hand distance of this piece of equipment and why that piece of equipment was still in the mine when the 16 men went into the mine.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On the request of Mr. DOMINICK V. DANIELS, and by unanimous consent, Mr. DENT was allowed to proceed for 3 additional minutes.)

Mr. GAYDOS. Mr. Chairman, will the gentleman yield for a quick observation?

Mr. DENT. I yield to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. I thank the gentleman for yielding.

Mr. Chairman, I wish to commend and compliment the gentleman in the well for making the telling argument which I inadequately tried to make, and that is the distinction in this legislation from the legislation of the committee is that we are again dealing with lives and we are not dealing with matters such as the paperwork and things like that.

Mr. DENT. Mr. Chairman, I will give these figures. The Scotia Mine was considered one of the 100 most dangerous mines in the United States and was the gassiest mine in all of Kentucky. From 1970 to 1975, the Scotia Mine had been ordered closed 110 separate times, 39 times for imminent dangerous conditions. During the same period, some 855 notices of health and safety violations had been issued against the company. In the same period, January 1974 to February 1976, the mine had been cited for 63 separate violations of Federal ventilation and methane standards. The mine's ventilation system was regularly violated, and at the time of the first explosion Scotia was in violation of its approved ventilation plan. In fact, they could not work all of the working places without moving air curtains and brattices from one section to another. When the inspectors were known to be coming—and it was always known before they got there—they would move the curtains and brattices so that there would be insufficient evidence to meet the violations of law in the area they were inspecting.

If ever there was a point where one could place a finger on the fault without any fear of contradiction it is on the operators of those mines. They are now seeking to reopen. I hope our subcommittee will be able to go down there with the gentleman from Kentucky (Mr. PERKINS) before that mine is opened and have a real inspection made as to whether or not they have met the conditions of increased air circulation in that mine.

For instance, the day the mine exploded, they had 9 percent gas in that mine, and they had the limited feeders for methane gas measurements, and they had them so they would not go over 5. Why? Because under good mining law, when they hit 3, they start to look around to see what is wrong. When they hit 4, they head for the outs and get the heck out of that mine. When it hits the count of 5, one better be on the surface outside. But it hit 9 before the men went into the mine.

Mr. Chairman, by the end of our business here today, this House will have made a decision which literally affects the lives of some 449,000 American miners; 187,080 coal miners, and 262,000 "hard rock" miners. The two questions we have to decide are:

First. Whether we are going to provide our metal and nonmetallic miners with a full measure of safety and health protection; and

Second. Whether we are to learn from experience and transfer all mine safety and health enforcement responsibility out of the Interior Department and place it in the Department of Labor where it rightfully belongs.

As to the first question, even many of my good friends on the other side of the aisle agree that the present Metal and Nonmetallic Mine Safety Act is totally inadequate and must be strengthened. However, some in this Chamber, unfortunately, disagree as to the transfer provisions of H.R. 13555.

In 1969, those of us who had a hand in writing the Coal Mine Health and Safety Act placed its enforcement and administration in the Interior Department because, frankly, that is where we thought it belonged. After some 6 years of congressional oversight, after at least five major coal mine disasters, and after more than 1,000 coal mine deaths, I, for one, have changed my mind. The Interior Department has demonstrated that it is the wrong agency for enforcing our mine safety and health laws.

Recent proof of what I say can be summed up one tragic word—"Scotia." On March 9 and March 11, 1976, the Scotia coal mine near Oven Fork, Ky., exploded killing 26, fine young coal miners. In both explosions, dangerous concentrations of methane gas accumulated in a poorly ventilated area of the mine and was ignited by an unknown source. The mine was turned into a violent and grisly graveyard which to this very day entombs the remains of 11 men.

25 PERCENT MORE UNION WAGE THAT IS WHY

Why did Scotia happen? Since the tragedy, Chairman PERKINS, Senator WILLIAMS, and I have been searching for some answers. We have held public hearings both in Washington and Kentucky. We have heard from the widows, miners, company officials, outside professionals, and Government people. We and our staffs have reviewed thousands of papers of testimony, conducted individual interviews, and analyzed MESA inspection reports and other documents. Here before me are copies of a staff research paper prepared by our staff on the safety history of the Scotia Mine and MESA's enforcement efforts at that mine.

Answers on Scotia? Yes, we have some answers to why the 26 men died, and those answers are critical to the business before us today.

In the first place we have documented and incontrovertible evidence which shows that the Scotia Coal Co., in effect, ignored the Coal Mine Health and Safety Act, its standards and administrative regulations. Second, our research indicates that the Mining Enforcement and Safety Administration—MESA—failed to adequately and effectively exercise its enforcement authority with respect to the Scotia mine.

Thus, we have concluded that due to MESA's ineffective enforcement efforts, the Scotia Co. was permitted to operate a dangerous mine which ultimately killed 26 men.

The Scotia mine prior to the disaster, had a long and chronic history of health and safety violations that were never permanently corrected. Allow me to give you some facts:

The Scotia mine was considered among the 100 most dangerous mines in the United States and was the gassiest mine in eastern Kentucky;

From 1970 to 1976 the Scotia mine had been ordered closed 110 separate times—39 times for imminent danger conditions:

During this same period, some 855 notices of health and safety violations had been issued against the company;

In the period January 1974 to February 1976 the mine had been cited for 63 separate violations of Federal ventilation and methane standards;

The mine's ventilation system was regularly violated and at the time of the first explosion, Scotia was in violation of its approved ventilation plan;

At various times methane readings taken by company officials registered as high as 9 percent;

The required 20-minute methane monitoring rule was repeatedly violated and seldomly adhered to at the Scotia mine;

Required preshift mine examinations for hazardous ventilation and methane conditions were not regularly conducted; preshift inspection reports were routinely falsified; and that section of the mine which exploded had not been inspected prior to the explosion;

A methane gas feeder which measured at least 5 percent was known to be liberating methane gas from the floor of that section of the mine which exploded; and

The company's safety education and training program was a sham. No one, including the company's only safety inspector, could remember ever conducting a fire or evacuation drill. Six of the 15 miners killed in the first explosion suffocated to death because they did not know

enough to get out of the mine following the initial explosition.

What all this adds up to is that the Scotia mine was a bad mine; a dangerous mine, a mine with a long and chronic history of health and safety violations. It was a mine which clearly placed production and profit before the safety, health and lives of its miners. It was a mine which ignored the law.

Why was such a mine permitted to operate in disregard of the law? The answer, I believe, is that MESA failed, miserably, to adequately and effectively enforce the Coal Mine Health and Safety Act in such a manner so as to effectuate lasting and permanent compliance.

Let me give you some facts:

MESA failed to ever test its imminent danger authority to determine whether—based upon a mine's prior history of violations—the operation of a mine like Scotia, in-and-of-itself, could be considered as imminently dangerous and therefore should have been ordered closed until chronic safety and health problems were permanently abated;

Aside from failing to test its imminent danger authority, MESA also failed to effectively use its mine closure authority to impress upon Scotia the severity of its safety and health problems. Although prior to the explosion MESA had ordered the mine closed 110 times, the record indicates that the overwhelming majority of these closure orders were lifted the same day they were issued, thus having a minimal effect on production;

While MESA has the authority to repeatedly close a mine like Scotia for unwarrantable failure to comply with health and safety standards, the record shows that MESA used this authority sparingly. In the 15-month period prior to the explosion, Scotia violated the Federal ventilation standards 33 times, but MESA only issued 4 unwarrantable failure to comply closure orders, all of which were lifted the same day they were issued;

Even though Scotia's safety record indicates willful and knowing violations, MESA never once brought criminal charges against the company;

In terms of the assessment and collection of monetary fines, MESA's record at Scotia was abominable. The record indicates that monetary penalty assessments were low to begin with, and the amounts actually collected from Scotia were even lower; as much as 50 percent lower;

On only three occasions did MESA ever assess the maximum civil penalty of $10,000; 2 of these cases involved deaths and the other involved serious physical injuries. Only one of these cases has been concluded, involving a death, and MESA settled out of court for $5,500; a reduction of 45 percent;

The highest penalty ever assessed against Scotia for a ventilation violation was $582 of which MESA only collected $291; a reduction of 50 percent;

MESA's monetary penalty record at the Scotia mine indicates that both assessments and collections were neither cumulative nor progress. As a matter of fact, the record shows that as Scotia continued to violate the law, both assessed and collected amounts remained the same or, in some cases, were lower than previous amounts for similar violations;

The monetary penalty record for Scotia indicates an apparent collection reduction pattern of approximately 50 percent from the amount initially assessed;

The history of MESA inspection efforts at the Scotia mine demonstrates serious shortcomings including an overreliance on one-man, spot inspections; poor procedures for reviewing and evaluating ventilation plans, and an inadequate information system;

Since 1970 MESA has conducted some 225 one-man, spot inspections of the Scotia mine compared to only 23 "regular" inspections of the entire mine. Spot inspections only check for very limited conditions in a short period of time;

On March 8, the day before the explosion, MESA conducted a limited inspection of the mine which failed to include that section of the mine which exploded;

At the time of the explosion, Scotia had been in violation of its ventilation plan for more than a month, yet MESA was unaware of the violation until a week before the explosion and, even then, failed to take any action; and

MESA's information system was such that local MESA officials failed to adequately use the information they had on the history of violations at the Scotia mine, and the flow of this information never reached top MESA officials.

What these facts tell me, and what they should say to this House, is that at the very best, MESA's enforcement efforts at the Scotia mine were ineffective. Nothing more clearly demonstrates this ineffectiveness than the fact that after some 1,000 man-days of inspection and enforcement activity, the Scotia mine continued to be operated as a dangerous mine. Nothing more tragically demonstrates MESA's ineffectiveness than the fact that on March 9 and March 11, 1976 the Scotia mine blew up and killed 26 good men.

After some 5½ years as the chairman of the House subcommittee with oversight responsibilities for coal mine health and safety, I believe the time has come when we must recognize the inherent conflict in the Interior Department's missions. On the one hand the agency seeks to stimulate production, and on the other it attempts to enforce mine health and safety. I believe that the Scotia experience is tragic proof that these two missions are incompatible. Scotia placed production before lives, and the record indicates that MESA, by not adequately and effectively enforcing the law, permitted such a policy.

How many other Scotias are there waiting to blow up? MESA officials have candidly told us that there are many. They have repeatedly stated that the Scotia mine is not the worst of the lot; that there are other, more dangerous mines, with safety and health histories as bad as Scotia's. If that is true, then we must act now to better enforce the law by placing the responsibility in the Labor Department.

No committee of Congress has the resources to monitor each of the many dangerous mines in this country. What is needed is an agency devoted exclusively to mine safety and health. What is needed is an agency whose exclusive concern is that of workers and miners. Such an agency, under a new Assistant Secretary of Labor for Mine Health and Safety, is created by this bill which I urge you to adopt.

Mr. Chairman, following months of investigation, committee hearings, and statistical research, H.R. 13555 today comes before the House as the Mine Safety and Health Act of 1976. This single piece of legislation will do as much to ensure a safe and healthy work environment for the American miner as did the promise of the landmark Federal Coal Mine Health and Safety Act of 1969.

By issuing new directives to MESA, H.R. 13555 will strengthen and revise the enforcement of the 1969 act. By transferring the enforcement responsibility for mine safety inspection to the Department of Labor, H.R. 13555 will better provide that it is economically unfeasible to continue to operate unsafe mines.

There are those who oppose the transfer provisions of this bill. They assert in their opposition that MESA, as a branch of the Department of the Interior, has assiduously enforced mine safety regulations and has been successful at reducing deaths and serious injuries. They contend further that the transfer of MESA to the Department of Labor would only serve to dilute and weaken the administration of mine safety enforcement. Neither of these contentions is true.

MESA, under the administration of the Interior Department, has served a dual and contradictory role. Safety and production too often run contrary to one another, and when safety inevitably takes a second place, MESA is failing at its responsibility to safeguard miners' lives.

The claim has been made that MESA's safety record indicates a substantial reduction in fatalities and serious injuries in metal and nonmetallic mining operations. I would like to address that claim by objectively scrutinizing the method by which MESA has compiled this statistical record of success.

The number of occupational injuries is recorded in direct ratio to the total number of man-hours reported annually. Operators report these figures voluntarily, and, as often as not, the statistics are not reported by the operators at all. MESA exerts no control over the frequency or consistency of injuries or man-hours reported.

MESA has verified the serious deficiency inherent in this system, indicating that on a regular basis only 60 to 80 percent of all mines actually report. The system is faulty and open to distorted interpretation, yet, it is on this very system, recognized by MESA as undependable, that the opponents to H.R. 13555 base their assertions of MESA's current safety record.

MESA officials proudly point to a demonstrated record of performance in the area of closure orders. In this critical area of safety enforcement, MESA has utilized statistics to its best advantage which only belie the truth.

Under the existing act, the penalty authority governing closure orders covers a wide range of violations including faulty machinery, malfunctioning safety equipment, and disrepaired track and cable lines. The term "closure order" is a misnomer when it does not pertain to the closing of all activities in a hazardous mine.

The facts which underlie MESA's statistics indicate a serious deficiency in mine closure procedures. In calendar year 1974, only 5 percent of all "closure orders" resulted in the closing of an entire mine. Thirty-nine percent involved closing a section of a mine; 43 percent merely withdrew unsafe equipment from operation; and 11 percent pertained solely to the repair of safety protection equipment.

Mr. Chairman, statistics prepared by the GAO indicate that a full 54 percent of all "closure orders" were not really closure orders at all, but merely affected the removal of unsafe equipment from the mines. As of September 1, 1975, 47 percent of all "closure orders" issued by MESA since its inception were abated while the MESA inspector was still on the premises. All of this activity is not as stringent as it appears to be. Once again, the insufficiency of mine-safety enforcement has been hidden beneath the defective record compiled by MESA.

MESA has orchestrated these statistics to reflect a record that is undeserved. This ruse cannot hide the dissatisfaction of miners with the hazards of their daily work environment, nor can it hide the bitterness felt by the families of hundreds of deceased miners who have died in the mines during MESA's courtship with Interior. The time for change is now, and the change must be complete.

A second contention raised in opposition to the transfer, widely circulated throughout this Chamber, is that MESA's merger with Labor will result in a dissolution of MESA's power by the dominance of OSHA.

Any comparison between MESA and OSHA distorts the purpose of the transfer provision. Allegations concerning a merger of MESA with OSHA are groundless, and serve only to confuse the transfer issue. MESA as a part of the Department of Labor will have a separate and distinct existence, independent in its function and purpose, and independently directed by an Assistant Secretary for Mine Safety and Health.

Comparisons of OSHA's administration to MESA's are a phony attempt to defeat the transfer. OSHA's jurisdiction encompasses a wide diversity of labor activities involving thousands of different industries and millions of workers in substantially diversified occupations. MESA specializes in a limited occupational area with a near-constant work force. MESA's ability to control and enforce occupational health and safety within its defined area of responsibility should conceivably be more successful than OSHA's, but in many areas, in the forefront of that responsibility, such as coal mine health and safety, occupational disease prevention, and health and safety training, it is not.

MESA's record under the jurisdiction of the Interior Department speaks for itself. It is not a good record. It is a product of contrary goals and a clear lack of direction.

To give consideration to revising the laws governing mine safety, while retaining the control for enforcing those laws in a Department that has consistently failed at their enforcement, defeats the purpose of this bill, and undermines the intent of Congress to assure the best quality of protection and care for the American worker.

Mr. Chairman, out of respect for the value of human life, I move that bill H.R. 13555 be enacted today, by this body, in its entirety.

Mr. SARASIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by my distinguished colleague on the Committee on Education and Labor, the gentleman from Minnesota (Mr. QUIE).

Mr. Chairman, I must respectfully disagree with the view that the laws governing the health and safety of mines should remain in the Department of the Interior simply because such mine safety laws have historically resided there.

On the face of it, such an argument may appear to have some merit, but on a close examination the weight of the evidence supports the transfer of the Department of Labor.

I participated in 8 days of hearings before the subcommittee. I carefully reviewed the record of the hearings. It is my considered judgment that the weight of the testimony clearly supports the transfer provisions of H.R. 13555.

It is both logical and realistic to centralize all worker safety programs in the executive department that has as its sole mandate the protection of the American worker.

Some of my colleagues oppose the transfer simply because the Department of Labor has jurisdiction over the Occupational Safety and Health Act in fear that MESA would be absorbed into OSHA and mine safety programs would be lost in general industry safety enforcement.

There is no way one can read H.R. 13555 and come to that conclusion. That is not and will not be the case. The new Assistant Secretary for Mine Safety and Health within the Department of Labor will have his or her own personnel; they will have their own budget and their own responsibility. The staff of the Mine Safety Administration has its own personnel under the design of the bill, and the staff will not be siphoned off to carry out OSHA responsibilities.

The concerns that many of my colleagues have expressed with OSHA have no relevance to our consideration of the mine safety bill.

We have heard a little of the criticism of OSHA. We are not talking about creating a new safety law and going out into the industrial world and trying to adopt every consensus standard that might exist; taking the electrical code, the plumbing code, and the building codes and everything else, as was done under OSHA. This is a completely different arrangement, whereby the entire body of law and all the precedents that are involved will be transferred along with that department, and MESA and its law would go into the Department of Labor.

These laws were not developed as a result of the consensus standard, but they were developed as the result of a long series of enactments in creation of legislation and regulations which go back over 60 years.

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

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

Mr. GAYDOS. Mr. Chairman, I thank my colleague for yielding.

I do wish to make this one point. I most decidedly respect the gentleman in the well. I have served with him on the committee. He has attended every hearing and every field hearing. When the gentleman takes this position in opposition to his own party and to a Member he respects, after all the hearings he has attended, I think it gives great credence to the argument and great weight to the argument that his amendment should be defeated.

Mr. SARASIN. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I would like to make a further observation. The gentleman from Illinois (Mr. ERLENBORN) has brought to the attention of the Members on the floor the fact that under OSHA penalties are not applied to the individual workers; the penalties are, of course, applied to the employer. However, in this bill, the Metal and Non-Metallic Mine Safety Act, and in the Coal Mine Act, penalties are applied to the miner who goes below with smoking materials, cigarettes, matches, or lighters. There is a plenty in both of those acts; in section 16(i) of the Metal and Non-Metallic Mine Safety Act and in section 109(a)(2) of the Coal Mine Act, which clearly does place a burden on the employee who violates what should be a reasonable safety standard.

In our oversight hearings on OSHA, which is also within the jurisdiction of this committee, I have asked employers who have been before us whether they would want OSHA to cite employees, the answers in most cases have been, "No." The managers and employers say, "That is our function. It is a prerogative of management." They say, "It is up to us to enforce the work rules."

Mr. Chairman, I would not be averse to saying that in some situations OSHA should also cite employees. However, the issue here is transfer, and it is transfer of the mine enforcement safety administration from one department—and they have done a good job—to another department which will do a better job.

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

Mr. Chairman, I hesitate to speak at 6:20 at night, but I do so because this is extremely important. It involves the lives of a great many people in my district.

If I were to get up and offer an amendment saying that OSHA should be transferred to the Department of Commerce, the Members would think that inappropriate, and properly so, because the Department of Commerce is management

oriented and production oriented, not safety oriented.

That is precisely what is at stake here.

The Department of the Interior is production oriented and management oriented, and properly so; but it is not, the record is clear, safety oriented.

Mr. Chairman, there is a good illustration of that. My distinguished colleague, the gentleman from Pennsylvania (Mr. DENT), has sent a report to the staff of the subcommittee and to members of the committee. In that staff report they draw two conclusions, and let me read the second:

MESA failed to adequately and effectively exercise its enforcement authority so as to effectuate Scotia's compliance with the Coal Mine Health and Safety Act of 1969.

Mr. Chairman, my colleague, the chairman of our committee (Mr. PERKINS), will recall our hearings in Whitesburg. I asked the gentleman in charge in that county for MESA what happens to his reports when he forwards them on to people above him, and his response was—and I will never forget these words—"I couldn't care less."

Mr. Chairman, that is what we are talking about. We are not talking about technical competence. We are talking about will. What this agency, MESA, needs is will. It needs backbone to enforce the safety laws.

Mr. Chairman, if I may again refer to the report that the gentleman from Pennsylvania (Mr. DENT) put out, it says this in the body of that report:

. . . if the local MESA officials were completely aware of Scotia's entire safety history, there is very little evidence to suggest that this knowledge affected MESA's enforcement efforts at the mine.

Mr. Chairman, my distinguished colleague, the gentleman from Minnesota (Mr. QUIE), for whom I have great respect, said that the safety record is improving, and he lauded the safety record of the mines.

The fact is that the safety record in coal mines is 3 times as bad, in the coal mining industry, as in any other major industry in the Nation. The fact is that in 1975 there were more deaths and more injuries than in 1974; and these are facts, I think, that we have to keep in mind.

Mr. Chairman, I would like, in conclusion, to join in commending our colleague, the gentleman from Connecticut (Mr. SARASIN) for his remarks. I think he is absolutely right, and he hit the nail right on the head. I think we have to put MESA in a department that is interested in enforcing the law, not interested in production and management, but in the safety of the men who work there.

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

Mr. SIMON. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, with reference to the statement of the gentleman from Illinois (Mr. SIMON), I ask him how he can laud the transfer to the Department of Labor when it is the construction industry which has the greatest injury and fatality rate among those that are administered or safety controlled by OSHA.

About the same number per 100,000 employees are killed in construction as in mining, but the actual number in a year is about five times as many individuals killed in construction and about five times as many individuals injured in construction, and that industry is being administered by the Department of Labor through OSHA.

If they have that kind of bad record, how are we going to improve safety in the mines by transferring the jurisdiction?

Mr. SIMON. I frankly am not that familiar with the record in the construction field. I am familiar with MESA and with their failure to enforce the laws that exist and the regulations that exist.

That record is very clear, and I think what is needed is not technical competence in department personnel, but a will to do something.

Mr. Chairman, I think the proposed transfer will provide that.

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

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

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

I would like to make the observation very pointedly to the point raised by my colleague, the gentleman from Minnesota (Mr. QUIE). Sixty-six years is the history of MESA, and 1971 is when we passed the OSHA Act.

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

Mr. Chairman, I know a little something about mining because I grew up with it. My father, Louis Oberstar, was an underground iron ore miner for 26 years and was chairman of the Godfrey underground iron ore miners' safety committee for a good part of those 26 years and retired after 40 years of iron ore mining in Minnesota, from which we shipped over 2 billion tons of iron ore to the steel mills of this country.

The allegation was made in the course of general debate a few days ago that this is a bill for the union leadership. I would like to correct the record. I wrote to 28 Steelworkers local unions in my district and asked them to take up this bill at regularly constituted union meetings and report back. They all reported back, representing membership from over 9,000 dues-paying individuals, in unanimous support for this legislation, and it was on the basis that it was good for the people from northeastern Minnesota whose lives and livelihood depend on safety in the mines. Typical is the response I received from Joe Smilanich, president of Local 4108 which states in part:

Steelworkers Local 4108, numbering 2300 members strongly endorses and supports your action in seeking passage of H.R. 13555.

Our concern in modifications or alterations to present controls over mine safety is of the utmost importance.

Also a reply I received from Steelworkers Local 2660, from Larry Koenig, the recording secretary:

Your bill H.R. 13555 concerning Mesa being put under the jurisdiction of the Department of Labor, has been discussed at our last three regular meetings and it has the full support of our local membership. We have approximately 1000 members.

And on and on—28 locals in all.

This legislation is vital if we are going to protect the lives and provide safety for the men working in the open pit mines.

I will never forget the time my father came home white as a sheet from the afternoon shift where his drift had caved in on him and covered him right up to his shoulders because the timbers had not been inspected and because safety had not been attended to. There were many other safety violations over the years—shafts were not properly ventilated, the cages or elevators, were not properly maintained, causing a number of disasters to occur at that time and many lives were lost and many more could have been lost. My father's life was spared, fortunately.

Mr. Chairman, I am here to say to the Members that this is the kind of legislation we need.

As for the complaints that this is not the right committee to make the transfer out of one department and into another, and that it ought to be handled by the Committee on Government Operations, I say that is a lot of nonsense. In the years beginning in 1969, when the Nixon administration took office, eight reorganization plans have been proposed and acted upon by the Congress, eight of them. Several of those plans involve the transfer from the Department of the Interior to independent agencies, or to other departments, or to new departments created by those reorganization plans. The lesson seems to be that if the Republican administration wants to reorganize the Government it is fine, but if the Democratic Congress wants to reorganize the Government that is no good.

I say that it is good and that it is in the interest of the working people. Let us defeat this amendment.

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

Mr. SYMMS. Mr. Chairman, will the gentleman from Kansas yield?

Mr. SKUBITZ. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I rise in opposition to H.R. 13555, the Mine Health and Safety Act of 1976. We have been given the impression here today that all mine workers are strongly in favor of this bill. I represent a mining district in northern Idaho and I have had many, many mine workers tell me that they are opposed to this legislation.

Mr. John Lomas, a safety engineer at one of the mines in Wallace, Idaho, wrote to me a couple of months ago concerning this bill. His letter is as follows:

WALLACE, IDAHO,
May 28, 1976.

Congressman STEVE SYMMS,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SYMMS: H.R. 13555 "The Mine Safety and Health Act of 1976" is now out of committee and will soon come up for floor consideration in the House of Representatives.

Before making comments on this act, I will brief you on my background in the min-

ing industry. I have 34 years of experience in the mining field, starting as an apprentice or "mucker" and working through all phases of mining, timbering, shaft sinking, contract mining, shift supervisor, shaft foreman, assistant mine foreman, mine foreman, and am presently safety engineer for one of the larger mining companies in this area. Also, during the phases of actual mining, I belonged to the union for several years. Therefore, I feel somewhat qualified in making an appraisal of the proposed legislation.

Last September I wrote your office urging opposition to this piece of legislation on the grounds that the Federal Metal and Nonmetal Mine Safety Act provides all of the federal authority and enforcement power necessary to improve health and safety in the nation's metal and nonmetal mines.

Although H.R. 13555 has been amended somewhat during committee markup, it is still an unnecessary piece of legislation that will not further the health and safety of our nation's miners any more than the present act, but it will be extremely costly to the taxpayer and industry alike. Since I am a taxpayer also, I am quite concerned about the costs of government.

The major objections to H.R. 13555 are:

1. The transfer of jurisdiction for metal and nonmetal health and safety from the Department of the Interior to the Department of Labor. The need for this transfer has not been adequately demonstrated and would do immeasurable harm to the ongoing mine safety programs in the Department of the Interior and MESA. In fact, the transfer of jurisdiction could not be implemented to the extent that it would not seriously downgrade the existing program during the transition period and for a time thereafter.

2. The health and safety standard-setting procedures should require a formal rule-making procedure with mandatory consultation with an advisory committee. The existing act *requires* this procedure, but H.R. 13555 only provides for *informal* procedures with *optional* consultation with an advisory committee. Thus, the rule-making provisions of the existing act are far superior and should be retained.

3. Section 8(a)(3) gives the secretary authority to "take whatever action he deems appropriate to protect the life of any person; and he may, if he deems it appropriate, supervise and direct the rescue activity in such a mine." This authority is both unnecessary and unwise. Federal inspectors on the scene should be consulted and should work with and advise the operator in rescue and recovery operations. However, only those intimately familiar with the mine, its systems, and its conditions should have ultimate responsibility for directing rescue and recovery operations. The most recent Scotia Coal Mine disaster points this out.

4. Miners' entitlements—matters regarding pay, seniority and status, walk around privileges—should be settled through collective bargaining, since they have no direct bearing on safety and health. Section 8(c)(3) of OSHA recognizes this in a corresponding provision. Section 23(n) provides that miners idled as a result of withdrawal orders must be paid for the period they are idled, but no more than one week. This is an unnecessarily punitive provision and should be deleted—pay for period that miners are idled by withdrawal orders should be limited to the balance of the shift.

5. Penalties, Section 16, provides for mandatory penalties for virtually all violations. This effectively eliminates any flexibility or discretion on the part of the secretary in utilizing penalties. Section 16(d) states "*shall be assessed* a civil penalty of not more than $10,000" where OSHA, Section 17(a), provides "*may be assessed* a civil penalty of not more than $10,000." This, in effect, virtually eliminates the discretionary powers of the secretary. Also, mandatory penalties under Section 109 of the Federal Coal Mine Health and Safety Act have generated an enormous volume of both administrative and judicial litigation, further burdening the taxpayer and industry of untold millions of dollars and have most probably detracted from the effectiveness of the act by tying up large numbers of inspectors in legal proceedings.

Section 16(e) provides for a $25,000 fine or imprisonment for one year or both for willful or repeated violations that cause death to any individual. OSHA Section 17(e) provides a maximum of $10,000 fine or imprisonment of not more than six months. There is no justifiable reason why the penalties under the two agencies should be so grossly out of line for the same offenses.

6. Citations, Section 11(b), requires that each citation or copy shall be prominently posted at or near each place of violation. In underground mines, conditions make it virtually impossible to post citations at or near the place of violation (humidity, solid rock, water, etc.) Section 11(a) provided that a citation may be issued if an inspector "believes" that a violation has occurred. Inspectors should be required to make a finding that a violation has occurred and not be permitted to proceed on the basis of a mere belief.

7. Section 7(d) provides that where a miner requests an inspection on the grounds that imminent danger exists, he shall first notify the operator of such request. However, this provision states that such notification is not a jurisdictional prerequisite to enforcement of any provision of the act, effectively negating the necessity of notifying the operator. Furthermore, such notification need not be in writing. All requests for inspections by miners or their representatives should be in writing and should first require notification of the operator. This section could open the door for harassment from some miners or their representatives.

It is my considered judgment that the existing Federal Metal and Nonmetal Mine Safety Act provides more effective means and measures for improving the working conditions and practices in the nation's metal and nonmetal mines than H.R. 13555 would provide.

I earnestly solicit your support to oppose this needless legislation when it is placed before the House of Representatives for floor consideration. If it cannot be defeated, I seriously urge a strong amendatory effort to make this act a workable piece of sensible legislation.

Sincerely,

JOHN W. LOMAS,
Safety Engineer.

Again, Mr. Chairman, I urge my colleagues to support the Quie amendment. I do not believe it to be in the best interest of mine safety, to make this transfer to the Department of Labor.

Mr. SKUBITZ. Mr. Chairman, I rise in support of the Quie amendment.

There is not a single person on this floor who has a greater interest in mine safety than the Member from Kansas.

Heretofore, I have always supported mine safety legislation—because I know something about mining—and I shall continue to support mine safety legislation—because mining is dangerous—under the safest conditions.

The gentleman from Kentucky has called attention to the tragedy in the Scotia mine—which blew up on March 9 and 11—and in which 26 people died. I call attention to the fact that three of the men who died were MESA inspectors doing their job.

A tragic event? Of course it was—but was MESA responsible? The answer is no. MESA did exactly what MESA was supposed to do under the Coal Mine Health and Safety Act of 1969.

I am told the record shows that MESA has closed various sections—or the entire mine—109 times since MESA's origin in 1970. Twenty-one times it closed the entire mine because of imminent danger. MESA cited this mine 859 times for various violations.

But face the facts—this is all MESA could do under the law. Now—if you want mine safety to give MESA some more power to act—that is the job of this Congress.

What this bill does is transfer MESA authority over to the Department of Labor.

If you want to talk about improving safety, then let us amend the Coal Mine Health and Safety Act of 1969. Amend the act so that when mines are dangerous MESA can close them down permanently.

But do not use the Scotia mine as a means of destroying MESA and putting OSHA in charge.

This is not really a mine safety bill. This is the beginning of a power play to place control of all mine practices in the hands of OSHA:

Not only legitimate health and safety matters—but matters that are purely within the realm of collective bargaining.

This is an effort to strip the Interior Committee of the authority it has had over mining since 1910, and place it in the hands of the Labor Department.

Now that sounds logical, does it not? Except when one removes the top layer and finds out what is really involved.

This is purely an end-around play where the quarterback—the Secretary of Labor—grabs the ball, hands it to the newly created Assistant Secretary of Mining, who in turn hands the ball to OSHA.

This bill calls for the transfer of 3,000 employees from the Interior Department over to the Labor Department under the domination eventually of OSHA.

Make no mistake about it, the signs are as clear as the nose on your face. The trend today is to take all control from every department which has any degree of supervision over the health and safety of Labor and place it in the Department of Labor under the domination of OSHA.

I urge the adoption of the Quie amendment.

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

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

Mr. DENT. I thank the gentleman for yielding.

I know the Member is very sincere, and I am very proud of the work he has done in this area. He has helped me immensely over the years in coal mine safety.

Mr. SKUBITZ. I would do it again if this were a mine safety bill, but it is not that; it is a power play simply to try to take one agency and transfer it over to the Department of Labor.

Mr. DENT. If the gentleman will yield further, I just want to say that I do not

want him to leave a misrepresentation on the record. He said that MESA has the full authority to close the mines. They do have.

Mr. SKUBITZ. I did not say that.

Mr. DENT. And every closure they ordered at Scotia Mine was lifted.

Mr. SKUBITZ. I did not say that. I said MESA could issue a citation and stop them but the minute that citation was met and the improvement was made, there was not anything else MESA could do.

Mr. DENT. I want the gentleman to know for the record every time they ordered a closure the same day they lifted the closure before anything was done on the citation.

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

Mr. Chairman, throughout the coal fields the coal miners will applaud this legislation if it can effectively transfer MESA to the Labor Department. Throughout the metal and nonmetallic mining industry those who work in that industry will applaud this legislation if we could preserve this legislation as it came to the floor rather than preventing the transfer.

For 7½ years I have been fighting for this transfer. I remember in 1968 after the Farmington disaster, I introduced a bill to transfer authority over coal mine health and safety from the Department of the Interior to the Department of Labor. In 1969, I testified repeatedly that the Department of the Interior was a production-oriented agency, while the Department of Labor was employee-oriented. When I testified before the Committee on Education and Labor, there was not a single member of that committee at that time that would support this transfer. So this is a very happy day in the House of Representatives for the coal miners of this Nation. I feel vindicated, Mr. Chairman.

When a person ignores a lot of traffic tickets he is called a scofflaw. There have been a lot of millionaire scofflaws who have been encouraged by the Interior Department as a result of assessments that were not collected by the Interior Department for violations of the Federal Coal Mine Safety and Health Act. The 1969 act has not been enforced by the Interior Department perhaps because of pressure from the coal industry or perhaps because of the nature of the personnel who have administered that act. Edward Failor was placed in charge of collecting assessments. Failor had never been near a coal mine. Interior paid Failor a salary of $36,000—as much as the Director of the Bureau of Mines. Failor did his work well for the special interests—reducing assessments by $2.7 million by the end of 1971, according to the General Accounting Office.

But for whatever reason there has been a lack of sympathy for this act within the Department of the Interior. The Pittston Coal Co., owner of the mine which caused the Buffalo Creek disaster with the loss of 125 lives—had 15 of 37 assessment cases covering nine safety violations reduced by nearly $130,000.

I do not believe, as has been expressed, that the Department of Labor is going to be a captive of organized labor any more than the Department of Interior has been a complete captive of the coal industry. Yet it is very strange that millions of dollars in fines have not been collected, fines levied against great coal companies that have violated the law.

I think it is necessary for the protection of the miners of this Nation, both the coal miners and the hard-rock miners, that this amendment be defeated and that we go on to pass this legislation.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Quie amendments.

Mr. Chairman; I rise in opposition to the Quie Amendment eliminating the transfer provisions in H.R. 13555.

There have been a number of misstatements concerning the Mine Safety and Health Act. These misconceptions have been used to mislead my colleagues in order to defeat the transfer of enforcement of miners' health and safety from the Department of of the Interior to the Department of Labor.

Some opponents of the transfer claim that it would place enforcement of miners' health and safety under the occupational safety and health administration, OSHA. This is absolutely untrue.

This statement is a ploy to create the impression that OSHA will extend its coverage to miners.

I challenge opponents of the transfer to point to one single provision in H.R. 13555 which gives OSHA authority over miners' lives. The opponents of transfer cannot do so, because it simply is not in the bill.

H.R. 13555 creates a new and separate administration in the Labor Department charged with administering the mining safety and health program. The bill creates a new Assistant Secretary for Mine Safety and Health, who is appointed by the President and confirmed by the Senate.

The new Administration for Mine Health and Safety will have rank within the Labor Department equal to the Employment and Training Administration, the Employment Standards Administration, the Labor-Management Services Administration, and OSHA. All of these administrations have their own assistant secretaries, their own staffs, their own functions, their own budgets.

What then is the real reason for opposing the transfer? Let the truth be known—certain mine operators in this Nation feel more comfortable with the status quo because the status quo lets them off the hook. The status quo let 26 miners die in the Scotia Coal Mine just 3 months ago.

The status quo insures that the bureaucrats who are charged with maximizing energy production simultaneously have the conflicting duty of making an attempt to protect the miners.

Let the truth be known—the Interior Department has thought so little of miners' health and safety that it took a national tragedy to make the Department separate enforcement of mine health and safety from the Bureau of Mines.

I speak of the Sunshine silver mine disaster in Kellog, Idaho, in May 1972. Ninety-one miners died in that tragedy. One year later, Interior finally created a separate Mining Enforcement and Safety Administration apart from the Bureau of Mines. Perhaps the Interior Department finally realized in a very limited way that there truly is an inherent conflict between its primary mission to increase production and its secondary commitment to protect the miner.

Things have improved somewhat since MESA is separate from the Bureau of Mines. But "somewhat" is not good enough. I think it is time that the bureaucrats stopped looking out for their own petty fiefdoms and started looking after the welfare of the miner.

I am not impugning the integrity of any person in the Interior Department. I am simply saying that the Department's dual mission creates a conflicting situation. Let us rectify this inherent conflict through new authorizing legislation.

I cannot in clear conscience, say to the widows and children of the Scotia miners or the Sunshine miners, that we should retain MESA in the Interior Department simply because "it has always been there." I cannot justify retaining MESA in Interior because the Department also manages production of coal and mineral resources.

To the families who have lost their breadwinners, such talk is just a lot of bureaucratic jargon, excuses put forth by those who oppose changing the status quo.

Mr. Chairman, the truth is that the status quo with regard to our miners' health and safety is totally and completely unacceptable. Scotia's tragedy is just the most recent example of the ineptitude of the Interior Department in enforcing mine safety and health.

How many more miners must perish before this Congress awakes to the fact that the protection of our miners must be enforced by the Labor Department which has historically been concerned with the welfare of the American worker. The Labor Department is not burdened by a mandate to spur production of our energy resources.

The mission of the Department of Labor is to preserve our human resources. The mission of the Department of Interior is to preserve our natural resources. Let us so declare by opposing the Quie amendment.

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

Mr. Chairman, I think we have to realize and understand that mining is a very dangerous and a very complicated business. It is something with which we cannot make a lot of changes. We have to have the body such as the Department of the Interior that has administered the mines in the past through MESA and understands those problems, understands the problems of gassy mines, understands the problems of machinery in the mines, understands a lot of things that are going on. Without this amendment, under the Labor Department, the problems of mining will not be fully understood and it will be necessary to develop some expertise within the Department

of Labor and then oversee MESA. It will be like placing a square peg in a round hole for a while. I think that is one of the detriments—so why do it when the Interior Department already has the expertise? We are dealing with men's lives. This is the more clumsy and dangerous way to do it.

Mr. Chairman, let me point out that the mining programs in the past were not perfect. Certainly there have been accidents. It is a very, very dangerous type of business; however, there have been improvements made. There has been new machinery discovered. There have been new methods of operating. We should keep fighting for newer and better safety methods until we stop these disasters!

Mr. Chairman, I think we ought to stay with the operation we have today and try to improve it rather than change it. These changes out of proscribed departments often make the cure worse than the disease.

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

Mr. BELL. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I thank the gentleman from California for yielding.

Mr. Chairman, just to put this in perspective, the Metallic and Nonmetallic Safety Act was passed in 1966. In 1970 we passed OSHA and the Coal Mine Health and Safety Act.

So, the administration has been about for the same period of time. In 1975, the improvement in mining was 42 percent. However, the improvement in construction, the most dangerous part of the industry which has been administered by OSHA, was only a 16-percent improvemet over 10 years before. In actual numbers, there are about five times as many people who die each year in the construction industry as in the mining industry.

So, I think we are misleading ourselves if we think that we are going to have a better program under OSHA. Therefore, I urge adoption of my amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota (Mr. QUIE).

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 263, answered "present" 1, not voting 49, as follows:

[Roll No. 553]

AYES—119

Abdnor	Conlan	Hillis
Anderson, Ill.	Crane	Holt
Archer	Daniel, Dan	Hungate
Armstrong	Daniel, R. W.	Hutchinson
Ashbrook	Derwinski	Hyde
Bauman	Devine	Ichord
Beard, Tenn.	Dickinson	Jarman
Bell	Downing, Va.	Kasten
Bowen	Duncan, Tenn.	Kazen
Brown, Ohio	Edwards, Ala.	Kemp
Broyhill	Erlenborn	Ketchum
Buchanan	Eshleman	Kindness
Burgener	Flynt	Krueger
Burleson, Tex.	Forsythe	Lagomarsino
Butler	Frenzel	Latta
Cederberg	Frey	Lent
Clancy	Goldwater	Long, Md.
Clausen, Don H.	Grassley	Lujan
Clawson, Del	Guyer	McClory
Cleveland	Hagedorn	McCollister
Collins, Tex.	Hall, Tex.	McDonald
Conable	Harsha	McEwen
	Hightower	McKay
Mahon	Poage	Spence
Mann	Quie	Symms
Martin	Quillen	Talcott
Michel	Randall	Taylor, Mo.
Milford	Rhodes	Taylor, N.C.
Miller, Ohio	Roberts	Thone
Mitchell, N.Y.	Robinson	Treen
Montgomery	Rousselot	Vander Jagt
Moore	Runnels	Waggonner
Moorhead, Calif.	Santini	Walsh
Myers, Ind.	Satterfield	Wampler
Nichols	Schneebeli	White
O'Brien	Sebelius	Whitehurst
Passman	Shriver	Whitten
Paul	Shuster	Wilson, Bob
Pettis	Skubitz	Winn
Pickle	Smith, Nebr.	
	Snyder	

NOES—263

Adams	Fisher	Moorhead, Pa.
Addabbo	Fithian	Morgan
Alexander	Flood	Moss
Allen	Florio	Motti
Ambro	Flowers	Murphy, Ill.
Anderson, Calif.	Foley	Murphy, N.Y.
Andrews, N.C.	Ford, Mich.	Murtha
Andrews, N. Dak.	Ford, Tenn.	Myers, Pa.
Annunzio	Fraser	Natcher
Ashley	Fuqua	Neal
Aspin	Gaydos	Nedzi
AuCoin	Giaimo	Nix
Badillo	Gibbons	Nolan
Baldus	Gilman	Nowak
Baucus	Ginn	Oberstar
Beard, R.I.	Gonzalez	Obey
Bedell	Gradison	O'Neill
Bennett	Green	Ottinger
Bergland	Gude	Patten, N.J.
Bevill	Hall, Ill.	Patterson, Calif.
Biaggi	Hamilton	Pattison, N.Y.
Biester	Hammer-schmidt	Pepper
Bingham	Hanley	Perkins
Blanchard	Hannaford	Peyser
Blouin	Harkin	Pike
Boggs	Harris	Pressler
Boland	Hayes, Ind.	Preyer
Bolling	Hays, Ohio	Price
Bonker	Hechler, W. Va.	Pritchard
Brademas	Heckler, Mass.	Railsback
Breaux	Hefner	Rangel
Breckinridge	Heinz	Regula
Brinkley	Hicks	Reuss
Brodhead	Holland	Richmond
Brooks	Holtzman	Rinaldo
Brown, Mich.	Horton	Risenhoover
Burke, Calif.	Howard	Rodino
Burke, Fla.	Howe	Roe
Burke, Mass.	Hubbard	Rogers
Burlison, Mo.	Hughes	Roncalio
Burton, John	Jeffords	Rooney
Burton, Phillip	Jenrette	Rose
Byron	Johnson, Calif.	Rosenthal
Carney	Johnson, Colo.	Rostenkowski
Carr	Johnson, Pa.	Roush
Carter	Jones, Ala.	Roybal
Chappell	Jones, N.C.	Ruppe
Chisholm	Jones, Okla.	Russo
Cochran	Jordan	Ryan
Cohen	Kastenmeier	St Germain
Collins, Ill.	Koch	Sarasin
Conte	Krebs	Sarbanes
Conyers	LaFalce	Scheuer
Corman	Leggett	Schroeder
Cornell	Lehman	Sharp
Cotter	Levitas	Shipley
Coughlin	Lloyd, Calif.	Simon
D'Amours	Lloyd, Tenn.	Slack
Daniels, N.J.	Long, La.	Spellman
Danielson	Lott	Staggers
Davis	Lundine	Stanton, J. William
de la Garza	McCormack	Stark
Delaney	McDade	Steed
Dellums	McFall	Steiger, Wis.
Dent	McHugh	Stephens
Derrick	McKinney	Stokes
Diggs	Madden	Studds
Dingell	Maguire	Thompson
Dodd	Mathis	Thornton
Downey, N.Y.	Matsunaga	Traxler
Drinan	Mazzoli	Udall
du Pont	Meeds	Ullman
Early	Melcher	Van Deerlin
Eckhardt	Metcalfe	Vander Veen
Edgar	Meyner	Vanik
Edwards, Calif.	Mezvinsky	Vigorito
Eilberg	Mikva	Weaver
Emery	Miller, Calif.	Whalen
English	Mills	Wilson, Tex.
Evans, Colo.	Mineta	Wirth
Evans, Ind.	Minish	Wolff
Fary	Mink	Wright
Fenwick	Mitchell, Md.	Wydler
Findley	Moakley	Wylie
Fish	Moffett	Yates
	Mollohan	Yatron
	Young, Ga.	Zeferetti
	Young, Alaska	
	Young, Tex.	
	Young, Fla.	
	Zablocki	

ANSWERED "PRESENT"—1

Bafalis

NOT VOTING—49

Abzug	Hinshaw	Sisk
Broomfield	Jacobs	Smith, Iowa
Brown, Calif.	Jones, Tenn.	Solarz
Clay	Karth	Stanton, James V.
Duncan, Oreg.	Kelly	Steelman
Esch	Keys	Steiger, Ariz.
Evins, Tenn.	Landrum	Stratton
Fascell	Litton	Stuckey
Fountain	McCloskey	Sullivan
Goodling	Madigan	Symington
Haley	Mosher	Teague
Hansen	O'Hara	Tsongas
Harrington	Rees	Waxman
Hawkins	Riegle	Wiggins
Hébert	Schulze	Wilson, C. H.
Helstoski	Seiberling	
Henderson	Sikes	

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Ms. Abzug against.

Mr. Stuckey for, with Mr. Jones of Tennessee against.

Mr. Teague for, with Mr. Hawkins against.

Mr. Sikes for, with Mr. Waxman against.

Mr. Haley for, with Mr. Solarz against.

Mr. Landrum for, with Mr. Symington against.

Mr. LONG of Maryland changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. GIAIMO, 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. 13555) to amend the Federal Metal and Nonmetallic Mine Safety Act and to transfer certain functions relating to coal mine health and safety under the Federal Coal Mine Health and Safety Act of 1969, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW OF COMMITTEE ON THE JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Ms. HOLTZMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary be permitted to sit tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentlewoman from New York (Ms. HOLTZMAN) define for us which bill will be taken up?

Ms. HOLTZMAN. If the gentleman will yield, the bill will be H.R. 10993. It deals with the question of discrimination in the immigration laws against divorced fathers.

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

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

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding. I would say to the gentleman from California that this is the bill that was introduced by the gentlewoman from New York, and the subcommittee, on which I am the ranking minority member, would like to meet tomorrow because we have a very heavy agenda on Friday on the immigration laws, as I am sure the gentleman well knows, and this is the day set aside for substantive legislation to be considered.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, this would be primarily hearings and no markups?

Ms. HOLTZMAN. Mr. Speaker, if the gentleman will yield, I think it is primarily hearings.

Mr. ROUSSELOT. I thank the gentlewoman from New York.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

COMMUNICATIONS FROM THE CLERK OF THE HOUSE—IN RE: POSSIBLE VIOLATIONS OF 18 U.S.C. 201, 371, 1001, AND 1341

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

WASHINGTON, D.C., *July 26, 1976.*

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

DEAR MR. SPEAKER: On this date, William Cable, Staff Director for the Committee on House Administration, was served with a Subpoena Duces Tecum by a Representative of the U.S. Department of Justice; said Subpoena was issued by the United States District Court for the District of Columbia.

The Subpoena commands him or his authorized representative to appear before the Grand Jury of the U.S. District Court on July 28, 1976, and requests certain House records that are outlined in the Subpoena itself, which is attached hereto.

House Resolution #9 of January 14, 1975, and the rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The Subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards,
Cordially,

FRANK THOMPSON, Jr.,
Chairman, Committee on House Administration.

The SPEAKER. Without objection, the subpena will be printed in the RECORD.

There was no objection.

The subpena is as follows:

[In the U.S. District Court for the District of Columbia, Misc. No. 76-0093]

SUBPENA DUCES TECUM

In re: Possible violations of 18 U.S.C. §§ 201, 371, 1001 and 1341

To: William Cable, Staff Director, Committee on House Administration, U.S. House of Representatives, Washington, D.C. 20001

Bring with you: The original carbon copies of the official payroll authorization forms for Elizabeth Ray with effective dates of October 31, 1975 and November 1, 1975.

These documents have been found to be relevant to this investigation by a previous order of this Court dated July 1, 1976, in Miscellaneous No. 76-93.

You are hereby commanded to attend before the Grand Jury of this Court on Wednesday the 28th day of July, 1976, at 10:00 A.M. to respond to this subpoena. Compliance with this subpoena will be sufficient if a representative of your office makes the originals of these documents, and not copies thereof, available to the Federal Bureau of Investigation or its laboratory at a mutually convenient time which can be arranged by contacting the Assistant United States Attorney named below.

Witness: This 26th day of July, 1976.

W. B. JONES,
Chief Judge, U.S. District Court for the District of Columbia.

Attorney for the United States, Robert W. Ogren (426-7044), Assistant United States Attorney.

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

WASHINGTON, D.C.,
July 26, 1976.

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

DEAR MR. SPEAKER: On this date I was served with a Subpoena Duces Tecum by a Representative of the U.S. Department of Justice; said Subpoena was issued by the United States District Court for the District of Columbia.

The Subpoena commands me or my authorized representative to appear before the Grand Jury of the U.S. District Court on July 28, 1976, and requests certain House records that are outlined in the Subpoena itself, which is attached hereto.

House Resolution #9 of January 14, 1975, and the rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a Subpoena Duces Tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The Subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am,
Sincerely,

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

The SPEAKER. Without objection, the subpena will be printed in the RECORD.

There was no objection.

The subpena is as follows:

[In the U.S. District Court for the District of Columbia, Misc. No. 76-0093]

In re: Possible violations of 18 U.S.C. §§ 201, 371, 1001 and 1341

SUBPENA DUCES TECUM

To: The Honorable Edmund L. Henshaw, Jr., Clerk of the House of Representatives, Washington, D.C., or his authorized representative:

Bring with you: The original and official payroll authorization forms for Elizabeth Ray with effective dates of October 31, 1975 and November 1, 1975.

These documents have been found to be relevant to this investigation by a previous order of this Court dated June 10, 1976, in Miscellaneous No. 76-93.

You are hereby commanded to attend before the Grand Jury of this Court on Wednesday the 28th day of July, 1976, at 10:00 A.M. to respond to this subpena. Compliance with this subpena will be sufficient if a representative of your office makes the originals of these documents, and not copies thereof, available to the Federal Bureau of Investigation at its laboratory at a mutually convenient time which can be arranged by contacting the Assistant United States Attorney named below.

Witness: This 26th day of July, 1976.

WILLIAM B. JONES,
Chief Judge, U.S. District Court for the District of Columbia.

Attorney for the United States, Robert W. Ogren, (426-7044), Assistant United States Attorney.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution, House Resolution 1429, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1429

Whereas, in a Grand Jury investigation pending in the United States District Court for the District of Columbia, subpenas duces tecum were issued by the said court and addressed to Edmund L. Henshaw, Jr., Clerk of the House of Representatives and to William Cable, Staff Director for the Committee on House Administration, directing them to appear as witnesses before the grand jury of the said court at 10:00 antemeridian on the 28th day of July, 1976, and to bring with them certain papers and documents in the possession and under the control of the House of Representatives; and

Whereas, the Judge of the United States District Court for the District of Columbia did, on June 10 and on July 1, 1976, sign determinations that the documents called for in said subpenas duces tecum were relevant to the said investigation: Therefore, be it

Resolved, That, by the privileges of this House, no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Edmund L. Henshaw, Jr., Clerk (or his authorized representative), be authorized to appear before the aforesaid grand jury and to deliver the original papers and documents called for in the subpenas duces tecum, under such conditions as will assure that the integrity of said documents shall be preserved: *Provided, however,* That said papers shall remain the property of the House of Representatives, shall remain in the possession of the Clerk or his representative during the period of their examination by the grand jury or its agents, and shall be returned to the Clerk of the House of Representatives immediately upon the conclusion of the examination of the documents by the grand jury or its agents; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpenas duces tecum aforementioned.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AN ANALYSIS OF THE DIRECT IMPACT OF THE MERCHANT MARINE ON NATIONAL SECURITY OVERVIEW

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

Mr. DOWNING of Virginia. Mr. Speaker, I am today introducing a bill to establish an Office of Maritime Affairs Coordinator in the Executive Office of the President. I believe this is a matter of extreme importance as such an office would contribute to a better utilization of all our seapower resources and lead to a strengthening of our national security.

I am confident that no case needs to be made of the essential role of the U.S.-flag merchant marine in our national defense. From the beginning days of our country, experience has clearly demonstrated that the privately owned and manned merchant fleet is a loyal and dependable partner of our military forces.

What is needed, at this time in our Nation's history, is a coordination of all our maritime policies. In fact, there is no one at the White House level today who is knowledgeable in and responsible for all matters relating to our merchant fleet. Instead, America's maritime policies and programs are fragmented among various Federal agencies and departments that do not always give proper emphasis and consideration to our merchant fleet.

To rectify this situation, and to insure the revitalization of a merchant marine which provides national security and economic benefits to the United States, responsibility for coordinating maritime policies should be placed in a national maritime affairs coordinator. The goals of this office would be:

Develop the U.S. merchant marine to compete in world commerce, to support national interests, and to serve as naval and military auxiliary in time of war or national emergency.

Introduce maritime alternatives in all applicable policy discussions concerning national interest and national security.

Produce national economic gains by optimum use of maritime transportation in foreign and domestic commerce.

I would like to point out that the creation of this office has been proposed by the Transportation Institute in its study entitled, "An Analysis of the Direct Impact of the Merchant Marine on National Security."

This study points out the numerous benefits that would result from a greater coordination of our maritime policies: It will insure that tax dollars committed to our many maritime programs and agencies will not be used in duplicate programs. It will enable the merchant marine to provide support services to the Navy, thereby maintaining an active merchant fleet able and ready to respond to any national emergency and freeing naval shipbuilding funds for combat vessels. Finally, it will assist in obtaining a better use of all aspects of our maritime resources to help the United States meet the growing Soviet naval challenge.

Mr. Speaker, the United States recently celebrated its 200th birthday. The most impressive part of our celebration, and the one that attracted the most attention and acclaim, was Operation Sail, the gathering of the "tall ships" and naval vessels from all over the world in the Port of New York.

It is indeed appropriate that seapower played the major role in our Bicentennial activities. It would be equally appropriate for Congress to begin our third century with the establishment of the Office of Maritime Affairs Coordinator in recognition of the importance of the merchant marine to the national security and economy of the United States.

I include the overview section of the Transportation Institute's analysis, as well as the portion discussing the specific need for a maritime coordinator in the RECORD:

AN ANALYSIS OF THE DIRECT IMPACT OF THE MERCHANT MARINE ON NATIONAL SECURITY OVERVIEW

INTRODUCTION

In a recent article in Fortune magazine former Secretary of Defense Schlesinger referred to the present as a "testing time for America." Citing U.S. sea power as the most prominent example, Secretary Schlesinger warned of the hazards to the free world resulting from the demonstrable diminution of American power.

Undoubtedly, this is a testing time not only for American power and will, but also for American ingenuity and creativity in solving difficult problems. Among the most difficult of these problems is the decline of American sea power. The phenomenon of block-obsolescence and the declining number of U.S. Navy and merchant ships is well documented and widely acknowledged. However, the budgetary constraints, coupled with inflation, assure that the naval fleet will continue to decline in numbers. This condition coincides with a period in history when, more than at any other time in our 200 years, use of the sea is essential to the nation for political, economic and military reasons. At the same time, the tremendous growth of the Soviet naval, merchant, research and fishing fleets; the self-reliance lesson of the Yom Kippur War when our allies' airfields, bases and fleets were unavailable; the demise of American influence in Southeast Asia; the tenuous relationship with traditional allies (and our bases in) Portugal, Spain, Italy, Greece and Turkey; and events in Angola all make clear our need for remaining a first class sea power. Clearly, in this context, national security requires new approaches to sea power, approaches that will stretch dollars to provide maximum benefits.

This study examines the U.S. Merchant Marine as one element of sea power. A series of nine issue papers (each supported by more extensive back-up documentation) proposes improvements in U.S. maritime utilization, organization and policy that could enhance our overall sea power and, hence, national security.

The focus of this analysis is on the national security impact of the U.S. Merchant Marine. It should be recognized that "maritime affairs" constitutes a large and complex sea power "system," composed of many elements such as the naval, merchant, ocean research and fishing fleets, the shipbuilding industry, shipping companies, maritime labor, certain Federal departments and agencies, maritime training institutions, and research and development activities. These elements are all interrelated with varying degrees of dependency. Improvement of one element tends to improve other elements and the total improvement can be demonstrated to be a net gain for the Nation as a whole. For example, if the Navy were to start a program of using commercial tug service in one major port on the east and west coast, the added demand for commercial tug services would likely result in shipyard orders for new construction. This would, therefore, benefit the shipbuilding industrial base. The Navy would benefit due to lower charter costs compared to having to continuously operate, man, support and replace their own tug fleet and would, with appropriate authority, be permitted to use the recaptured funds toward procurement of combatant ships, thus further enhancing the industrial base and naval capabilities.

The analysis uncovered a large number of incremental benefits which made the original goal achievement even more attractive. For example, the use of merchant ships for underway refueling of Navy ships could provide direct dollar savings and even increase fleet flexibility. The benefits which would accrue in addition to the primary one of providing comparable services at less cost, would be in developing a broad base of merchant seamen trained to operate with the US Navy. Employment prospects for merchant seamen would be increased and it would also increase US tax revenues. From a military viewpoint it would provide the framework for a worldwide underway refueling capability for the Navy, i.e., any place a US-Flag merchant tanker might be sailing. A recent problem encountered by the Navy in acquiring fuel in the Indian Ocean is a specific example of a situation where a trained crew and properly equipped US-Flag merchant ships would have handily solved the Navy logistics problem.

This analysis included the relationships of the US Navy, US-Flag Merchant Marine and national security objectives, and indicated a number of ways in which a modern, high-technology fleet can (1) undertake specific naval tasks in peacetime, (2) be prepared to move rapidly from peacetime to wartime operations (and thus increase the deterrent effect of conventional forces), and (3) improve the Navy's war fighting capabilities.

US MERCHANT FLEET TODAY

Throughout history great powers have maintained merchant fleets as instruments of military, economic and political policy. In the US the role of the Merchant Marine as a naval auxiliary and instrument of economic policy is established in various statutes and is most concisely set forth in the Merchant Marine Act of 1936 (46 USC 1101). Most recently, in 1970 the President and Congress set forth a national program to rebuild and revitalize the Merchant Marine, including a provision for a 10-year ship construction program. That program is falling considerably short of its objectives and a substantial portion of the funds requested and appropriated for fleet construction and support (in recent years, about $0.5 billion annually) remains unspent. Nonetheless, today, mid-way through the 10-year program, the active, privately owned merchant fleet stands at a level of just over 500 ships. Many of these are among the most modern and efficient ships in the world. This fleet is intended to serve as an auxiliary to the regular Navy fleet of about 480 active ships as the principal components of US sea power.

The inquiry in this study is whether changes in existing US maritime organization and policy can result in (1) enhanced national security, or (2) the present level of national security at less cost, or (3) in the best case, enhanced national security at less cost.

SUMMARY OF ISSUE PAPERS*

1. Performing Peacetime Navy Auxiliary Functions with the Merchant Marine:

*Numbers indicate attached Issue Papers.

Enhanced sea power and reduced cost could result from greater use of U.S. merchant ships to perform auxiliary functions currently performed by Navy ships, i.e., fuel and logistic supply, cargo transport, missile range and space support, research, surveying and tug services. This would result in: (a) cost savings as a result of greater ship use and reduced personnel costs; (b) an increase in the skilled personnel base available for future mobilization; (c) increased national security by applying cost savings from auxiliary or support functions to enhance combat capability and warship construction.

2. Employing Container Concepts for Specialized Military Support in Peace and in War:

Development and use of specialized military support containers, based on the standard-dimension cargo container carried on merchant ships, could enhance national security and reduce costs. Containers housing specialized communications, electronic intelligence, laboratory, research, surveying and evaluation equipment would add new dimensions of flexibility and versatility to overall U.S. sea power assets. Such containers could enhance the ability of merchant ships to perform cost-effective support for the Navy in peacetime as well as substantially enhance sea power readiness for war or national emergency.

3. Modifying Merchant Ships for Military Sealift During Wartime:

Improved planning and some revised construction features could greatly enhance the military sealift capability of the U.S. merchant fleet, by making them more readily usable to carry military vehicles and equipment during periods of crisis or war.

4. Converting Merchant Ships for Combat Roles:

In previous wars large number of merchant ships have been converted to combat ships. Improved planning and incorporation of specific design features in merchant ships at the time of construction could result in greatly reduced time and cost to convert merchant ships to combat roles such as helicopter/VSTOL carriers and amphibious assault ships. The result could be an increased naval force potential at reduced cost.

5. Employing Merchant Ships to Enhance American Political Presence:

U.S. merchant ships can be more effectively employed to enhance American political and economic influence around the globe, particularly in Third World countries, through increased trade.

6. Developing an Organization for a Strengthened U.S. Maritime Policy:

Government programs and functions relating to the Merchant Marine are at present scattered among various agencies and departments, and are largely uncoordinated. More effective government coordination and management could be accomplished by establishing at the Presidential Assistant level a Maritime Affairs Coordinator who would sit on the National Security Council.

7. Coordinating National Maritime Research Activities:

Greater coordination is required in maritime research and development activities.

8. Comparing National Policies Affecting Sea and Air Transportation and Their Impact on National Defense:

A comparison of national policies affecting sea and air transportation and their impact on national defense should be made.

9. Maintaining a Shipbuilding/Industrial Base Adequate for National Defense:

A coordinated program of naval and merchant ship construction is needed to enhance and maintain the shipbuilding/industrial base and to improve shipyard efficiency and reduce costs.

CONCLUSIONS

The question can be asked: How can the U.S. Navy and U.S.-Flag Merchant Marine working together in peacetime provide a higher degree of national security than we presently experience?

In wartime there is no question that the Merchant Marine must operate with the Navy for protection and must provide the sealift required to support and project military forces overseas. Characteristically, most Merchant Marine losses occur early in the conflict, in part the result of the difficulty in making the transition from civilian peacetime control to wartime naval control. The problems and losses associated with transition from peacetime to wartime would be alleviated if the Merchant Marine and Navy operated together during peacetime. The question thus remains, how are peacetime operations to be conducted and what additional benefits might be expected from joint Merchant/Navy operations?

For commercial type services, i.e., tugs, towing, supply, refueling, sealift, etc., the Merchant Marine would perform what it is ideally suited for—commercial type operations. Higher utilization of assets and savings in Navy personnel costs are key factors in reducing overall Navy expenditures.

The issue of maritime strikes is frequently raised when discussing Navy use of Merchant Marine services; however, the record of maritime unions in regard to Defense cargoes is exemplary and there is no record of a U.S. military cargo not being handled due to maritime strikes. Maritime labor leaders have given assurance that "no-strike" clauses would be honored; maritime union discipline would not tolerate illegal strikes, such as those which have occurred in civilian sectors.

Therefore, we have concluded that there is a large and valuable defense reserve potential in a properly coordinated program of Navy-Merchant Marine peacetime operations. Moreover, the use of commercial sources for commercial type service will ultimately result in substantial net savings to the Navy and the taxpayer.

The changing nature of Soviet naval-maritime activities occurring at a time when U.S. dependence on the sea is increasing should be of major concern to American leaders. In this context, the direct impacts of the U.S. Merchant Marine on national security are of vital importance to the Nation. The attached Issue Papers, taken together, provide a realistic and coherent program to increase the direct impact of the U.S. Merchant Marine on national security.

ISSUE PAPER NO. 6—DEVELOPING AN ORGANIZATION FOR A STRENGTHENED U.S. MARITIME POLICY

SITUATION AND RECOMMENDATIONS

The United States has traditionally conducted its peacetime foreign policy through diplomatic means and has attempted to achieve national security by purely military means. Separate and apart, other governmental activities are normally geared toward international economic achievements. However, there is no organizational mechanism through which maritime related efforts to accomplish national political, economic, and military goals are coordinated.

This is in stark contrast to our principal opponent, the Soviet Union, which has a highly integrated maritime posture. The Soviet Merchant Marine, for example, is openly employed to further national political as well as economic goals while providing direct support for Soviet military activities. These efforts are well documented, and the impact of the Soviet merchant, fishing and research fleets has been strongly felt in the political-economic arenas of Asia and Africa, especially along the periphery of the Indian Ocean.

As U.S. naval forces are reduced to their lowest ship levels in more than 35 years, it has become increasingly necessary for the United States to consider methods of ensuring that all national maritime resources are fully and efficiently utilized. For example, using merchant ships to conduct port visits to show the flag in areas where heretofore a warship provided political presence, or using merchant ships to provide underway replenishment (UNREP) and other services to the Navy which heretofore were undertaken by Navy ships are practical cost-effective alternative courses of action.[1]

At various times in American history from the Revolutionary War onward there were examples of integrated naval-maritime efforts. However, the National Security Act of 1947 (as amended) removed the Secretary of the Navy from cabinet level. This ended the close association of the Navy with other American maritime interests, as the Navy was subordinated within the Department of Defense, essentially a war-fighting organization, and the Secretary of the Navy lost his authority to direct meaningful liaison with such agencies as the State Department, Commerce Department, and Coast Guard without bureaucratic interference. Since the 1947 defense reorganization there has been no senior individual in the Executive Branch to insure the cordination of the Navy and the Merchant Marine as provided in the Merchant Marine Act of 1936.

Similarly, there is no single Congressional committee that can coordinate naval and Merchant Marine interests. The Senate and House of Representatives have separate committees on Armed Services which oversee the Navy, while the Senate Committee on Commerce oversees the Merchant Marine and the House has a Committee on Merchant Marine and Fisheries to oversee Merchant Marine activities.

Accordingly, an examination should be conducted of methods to establish an office of Maritime Affairs Cordinator at the White House Assistant level. The goals of this office would be to:

Develop the U.S. Merchant Marine to compete in world commerce, to support national interests, and to serve as naval and military auxiliary in time of war or national emergency.

Introduce maritime alternatives in all applicable policy discussions concerning national interest and national security.

Produce national economic gains by optimum use of maritime transportation in foreign and domestic commerce.

The Maritime Affairs Coordinator would have responsibilities of: (1) establishing and developing specific legislation for a National Maritime Strategy; (2) coordinating US maritime research programs;[2] (3) designing and coordinating an overall naval-merchant shipbuilding program;[3] and (4) ensuring adherence to the provisions of the various existing laws relating to domestic and foreign trade, and to increasing the Merchant Marine's support of national defense objectives. The Maritime Affairs Coordinator would provide a forum for the exchange of ideas and the coordination of resources and efforts to insure the maximum return for American investment in maritime-related resources. For example, the coordination of commercial and naval shipbuilding efforts could provide for more efficient utilization of available shipbuilding facilities, could help alleviate current personnel recruiting and training problems in the shipyards, and would ensure that shipyard employment opportunities received wide dissemination.

The Maritime Affairs Coordinator would have authority to work directly with the following agencies to ensure inter-departmental coordination of national naval-maritime interests: (1) Navy, (2) Coast Guard, (3) Maritime Administration, and (4) NOAA. Additionally, he would conduct continuous liaison with other government agencies, as appropriate (e.g., State Department, Office of the Secretary of Defense, Office of Manage-

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[1] See Issue Papers No. 1 and No. 5.

[2] See Issue Paper #7.

[3] See Issue Paper #9.

ment and Budget), and the relevant Congressional committees. The Maritime Affairs Coordinator would be a member of the National Security Council. The attached fold-out chart displays a suggested organizational structure for the Office of Maritime Affairs Coordinator.

BENEFITS AND RISKS

A number of political, economic and military benefits can be easily identified with the establishment of an Office of Maritime Affairs Coordinator at the White House Assistant level. In particular would be the direct benefits to national security by White House level coordination **and sponsorship** of the various programs described in accompanying issue papers.

The Maritime Affairs Coordinator would also ensure that transportation alternatives which involve the use of domestic waterways and coastal waters were fully considered in national transportation planning deliberations. The increased use of waterborne commerce with its inherent energy efficient, low cost features would provide direct economic benefits to the consumer. The general public would gain due to the characteristically reduced noise and air pollution levels associated with waterborne transportation.

No risks have been identified with this issue.

SUMMARY

The establishment of an Office of Maritime Affairs Coordinator would ensure coordination and, hence, maximum effectiveness of US naval and maritime assets.[4] This would be especially valuable in a period when US and world use of the sea is increasing, and US naval-maritime assets are being severely curtailed.

NEED

Establish an Office of Maritime Affairs Coordinator at the White House Assistant level, with the Coordinator being appointed by the President with the advice and consent of the Senate. The Coordinator would be empowered to coordinate plans and policies with the nation's various maritime and naval interests, maintain direct liaison with appropriate Congressional committees, and sit in the National Security Council.

[4] See attached organization chart.

PENNSYLVANIA'S FIFTH DISTRICT—MUSHROOM CAPITAL OF AMERICA

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

Mr. SCHULZE. Mr. Speaker, I am proud to state that the mushroom capital of America is in the Fifth Congressional District of Pennsylvania which I represent. While mushrooms are grown commercially in 24 States, Pennsylvania accounts for 60 percent of the crop. Mushrooms are Pennsylvania's largest cash-producing crop.

I am even more proud of the hard-working, imaginative, determined people who form the foundation of the mushroom industry. Over the last 10 years, this foundation has been seriously undermined by foreign competitors. Had it not been for the unique work ethic and resolve of our mushroom people they would have been out of business long ago.

American mushrooms must compete against the products of more than 100 foreign canneries. Our mushroom industry currently consists of 500 growers and 29 canners. Since 1972 six processors and 200 growers have closed their doors, because of financial loss. Compounding this problem is the fact that an American mushroom worker makes a minimum of $20 a day while his oriental counterpart earns $1. This means that a company can buy canned mushrooms overseas, ship them here and still sell them at a lower price than the domestic variety.

The seriousness of this matter was recognized by the U.S. International Trade Commission and on March 17, 1976, by a majority vote, recommended that import relief be provided. The Commission determined that mushrooms provided for in item 144.20 of the Tariff Schedules of the United States are being imported in such increased quantities as to be a substantial cause of serious injury or threat thereof to our domestic industry. President Ford directed the implementation of adjustment assistance to remedy this injury. However, import relief is warranted and needed now.

Our domestic mushroom industry has been fighting a losing battle which started more than a decade ago with near zero imports, imports which now account for 40 percent of the processed mushroom market.

Therefore, I am introducing legislation today to impose quantitative limitations on the importation of mushrooms into the United States. There is strong justification for action in this matter and I urge my colleagues—particularly those from the primary mushroom growing and canning States of Pennsylvania, California, New York, Michigan, Ohio, and Delaware—to join me in support of this effort to prevent further serious injury to our domestic mushroom industry.

The text of my legislation follows:

H.R. 14881

A bill to impose quantitative limitations on the importation of mushrooms into the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the aggregate quantity of the articles specified in items 144.10, 144.12, and 144.20 (relating to mushrooms, fresh, or dried, or otherwise prepared or preserved) of the Tariff Schedules of the United States (19 U.S.C. 1202) which may be entered during any calendar year beginning after the date of enactment of this Act shall not exceed—

(1) in the case of any foreign country other than a foreign country referred to in paragraph (2) or (3), the aggregate quantity of such articles of such country which was entered during calendar year 1974;

(2) in the case of the Republic of China (Taiwan), 25,000,000 pounds (drained weight); and

(3) in the case of the Republic of Korea, 6,000,000 pounds (drained weight).

(b) The Secretary of Agriculture shall compute the quantities provided for in subsection (a) on the basis of available import data and shall certify to the Secretary of the Treasury the amounts which may be entered from any foreign country under such subsection. The Secretary of the Treasury shall take such actions as may be necessary to insure that the amounts entered under subsection (a) do not exceed the quantities provide for in such subsection.

(c) For purposes of this Act:

(1) The term "entered" means entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

(2) The term "customs territory of the United States" means customs territory of the United States as defined in the Tariff Schedules of the United States.

LOW-COST AIR SERVICE FOR THE ELDERLY, YOUTH, AND THE HANDICAPPED

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

Mr. ANDERSON of California. Mr. Speaker, today I am introducing H.R. 14866, a bill which would permit the Civil Aeronautics Board to allow the airlines to offer standby service at reduced fares for the elderly, youth, and the handicapped. This legislation is needed to insure that millions of deserving Americans will not be denied access to our air transportation system and to provide the mobility which is so vital a part of modern-day life.

The fares now charged for air transportation tend to exclude the elderly, youth, and the handicapped. For example, a survey by United Airlines showed that only 5 percent of its passengers were 65 years of age or over, while persons in this age bracket make up 10 percent of the general population. This disparity is largely attributable to the low income levels of many of the elderly. For example, in 1973 the median income for elderly households in 1973 was under $4,600, compared to the national average of $10,500. Similar problems are faced by young people and the handicapped.

An excellent report on the transportation needs of our senior citizens has been issued by the Subcommittee on Federal, State, and Community Services of the Select Committee on Aging, under the chairmanship of Congressman SPARK M. MATSUNAGA. The report points out that a number of Federal programs, such as the urban mass transportation program, include special provisions designed to make transportation more widely available to the elderly. In air transportation there are no programs of this nature, and under existing law the Civil Aeronautics Board is limited in its ability to authorize reduced fare transportation for deserving groups. As a consequence, there are no reduced fare programs currently in effect for the elderly.

Chairman MATSUNAGA'S report also suggests that well-designed reduced-fare programs for the elderly have been highly successful. For example:

Inter-island carriers in Hawaii . . . instituted a half-fare for persons aged 65 and over in 1967, which remained in effect until 1974. During that time one of the carriers, Hawaiian Airlines, reported a 340-percent increase in the number of senior citizens taking advantage of the fare reduction. Moreover, since the seniors were accommodated on a space-available basis, the half-fares charged more than covered the extra costs of carrying them, and returned substantial increased revenues to the carriers.

The report recommends that Congress "reaffirm the power of the Civil Aeronautics Board to permit discount standby air fares for the elderly."

My bill is designed to meet these needs, and to insure that similar reduced fare

standby service will be available for young people and the handicapped.

THE BRIDGE SAFETY ACT OF 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennslyvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, almost a decade ago the Silver Bridge between Point Pleasant, W. Va., and Kanauga, Ohio, a 1,753-foot eyebar chain suspension bridge, tore loose from its supports and thundered into the Ohio river during the height of the evening rush hour, taking 46 men, women, and children to their deaths. This disaster received widespread news coverage and focused national attention on bridge safety. Unfortunately, in spite of State and Federal efforts directed toward bridge inspection and safety since that tragedy, the problem of unsafe bridges remain as great today as it was when Silver Bridge collapsed in 1967. Last year, near Winston-Salem, N.C., a bridge over the Yadkin river collapsed killing 4 persons and injuring 16, and bridges continue to collapse at a rate of some 150 a year.

Spurred by the Silver Bridge tragedy, Congress recognized the need for emphasis on bridge safety and in the Federal Aid Highway Act of 1970, established the special bridge reconstruction and replacement program. Among other things, this act required the inspection and rating of all bridges in the country. The inspection is now almost 100 percent complete, and the results are not comforting.

Mr. Speaker, studies conducted by the U.S. Department of Transportation show that, of the more than 563,000 bridges in the country, 89,800 have been classified as being "critically deficient." This means that roughly one out of six bridges has been officially pegged as a potential killer. This should surprise no one, Mr. Speaker, since about 407,000 of these 563,000 bridges—72 percent, were built prior to 1935—the year uniform design and construction material specifications came into use. Moreover, most of these older bridges were designed for the lighter, slower traffic of more than a generation ago, not the high speed, heavier traffic of today.

Mr. Speaker, in consideration of highway problems, it has been customary to deal mainly with questions of roads and streets. Bridges somehow have been taken for granted, as if there were no major difference between a piece of pavement and the structure needed to span a river. For this reason, potentially death-dealing bridges still dot the countryside and are among the greatest menaces to the traveling public. With the number of deficient bridges in this country, we are playing Russian roulette with every mile.

The problem of unsafe bridges, Mr. Speaker, is nationwide. It touches every State in the Union. As such, there must be a nationwide approach to its solution.

The biggest impediment to bridge safety is money. During its entire history, the special bridge reconstruction and replacement program has not had sufficient funding to get the job done. Currently, only $180 million is authorized each year for the next 2 years, while it has been variously estimated that between $10 billion and $31 billion will be required to replace the bridges that currently are classified by the Department of Transportation as being candidates for replacement. Moreover, these estimates exclude consideration of continued deterioration of presently deficient bridges, normal deterioration of safe bridges, and inflation. To date, there have been only 670 bridges replaced or being replaced under this program, a rate of about one bridge per State per year. At this rate, it will take a minimum of 80 years to bring our Nation's bridges to a standard of safety which the citizens of this country have every right to expect.

As an example of the magnitude of the problem in individual States, Mr. Speaker, my State of Pennsylvania has a minimum of 418 bridges which have been classified as replacement candidates by the U.S. Department of Transportation, and a 1975 report to Congress by the Comptroller General of the United States listed 960 Pennsylvania bridges as unsafe. In my district, Allegheny County has a minimum of 19 bridges that are candidates for replacement. Other examples of Pennsylvania counties are as follows: Bucks County, 15; Chester County, 21; Delaware County, 24; Lancaster County, 32; Montgomery County, 34; Northumberland County, 12; Dauphin County, 7; Somerset County, 11; Lycoming County, 21; and Philadelphia County, 6. These bridges can be very costly to repair or replace. For example, the six bridges in Philadelphia are estimated to cost $42 million alone.

Today I am introducing the Bridge Safety Act of 1976. This act is the result of months of study and consultation with highway and transportation officials throughout the country. It recognizes that the problem of unsafe bridges in the United States is so great that it will never be solved by piecemeal legislation. This act builds on the present Federal Aid Highway Assistance Act and makes the amount of money, $720 million per year, for the special bridge reconstruction and replacement program realistic and commensurate with the magnitude of the nationwide problem it is intended to solve. It extends the highway trust fund through 1990, a time sufficiently long to get the job done. Most importantly, this act encourages the immediate repair of existing bridges, thus reducing the threat to human life. Also, by repairing these bridges now, the effect of inflation and the cost of total replacement later will be greatly reduced.

Mr. Speaker, although the Bridge Safety Act of 1976 will be of great benefit to all States, it also recognizes that for various reasons, such as topography, population, length of spans, load carrying capacity, and essentiality for public use, certain States and countries depend on bridges much more than others. This bill directs the Department of Transportation to identify these areas and to give priority to those with the most critical need first. Moreover, a certain percentage of the total appropriation each year will be set aside so that individual counties may apply for emergency funds, exclusive of their State's appropriation.

Mr. Speaker, this proposal is specific and pragmatic. It recognizes the nationwide magnitude of the problem of unsafe bridges, and offers a realistic solution. I commend to my colleagues the Bridge Safety Act of 1976 in the firm belief that through enactment we can prevent future tragedies. I believe this bill is a proper vehicle for our efforts.

WABASH RIVER NAVIGATION STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROUSH) is recognized for 5 minutes.

Mr. ROUSH. Mr. Speaker, recently I included in the CONGRESSIONAL RECORD a copy of a letter I received from the Corps of Engineers regarding continuation of the Wabash River navigation study. I had written them and asked if they would not discontinue the study since their preliminary findings showed that the Ohio River to Mount Carmel portion of the river could not economically justify a canal. Their answer was not overly precise. At the same time I wrote the Office of Management and Budget asking for the recommendation of a rescission of the $150,000 for the study which was clearly now unneeded. I am glad to report that their reply was more specific and I include it herewith. I hope that this marks the end of the study and restudy of the Wabash River for canal purposes.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 26, 1976.

HON. J. EDWARD ROUSH,
House of Representatives,
Washington, D.C.

DEAR MR. ROUSH: In the Director's absence from Washington, permit me to respond to your letter concerning funds for the Wabash River navigation study.

On receiving your letter we discussed the status of the Wabash study with representatives of the Corps of Engineers to determine whether the $150,000 included in the recently enacted appropriation bill was needed for the study. The Corps has confirmed the information in your letter regarding the lack of economic justification for the reach of the river below Mt. Carmel. They have also informed us that while some funds are programmed for an evaluation of the potential traffic that might be generated by the reach above Mt. Carmel, and for processing a final report on the results of the study for transmittal to the Congress, it is highly unlikely that the full amount appropriated will in fact be needed. In that event, the Corps would allocate any excess funds to other studies in accordance with customary practice, and after appropriate consultation with this Office and with the concerned congressional committees.

We very much appreciate having the benefit of your views on this study and we certainly share your concern that Federal funds should not be spent if it is not absolutely necessary. We will certainly continue to follow this program closely.

With all best wishes.

Sincerely yours,

ALAN M. KRANOWITZ,
Assistant to the Director for Congressional Relations.

FIRST ARCHBISHOP OF HARTFORD DIES

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I hope my colleagues will join me in mourning the death of one of the most distinguished residents of my district, the Most Reverend Henry J. O'Brien, retired Roman Catholic Archbishop of Hartford, who passed away last week. He had just celebrated his 80th birthday.

Archbishop O'Brien was a priest for 51 years and bishop of Hartford for 34 years. He was a man of keen intellectual insight and strong human compassion. We will miss him deeply.

He was ordained a priest in 1923 after studies at the University of Louvain, Belgium. After serving 2 years as president of St. Thomas Seminary in Bloomfield, Conn., he was consecrated auxiliary bishop of Hartford in 1940. In 1945, he became bishop, and 8 years later, in 1953, he was elevated to archbishop when Pope Pius XII decided to create the new archdiocese of Hartford, a metropolitan see with jurisdiction over three smaller dioceses in Connecticut and Rhode Island. Thus, he was Connecticut's first archbishop.

Archbishop O'Brien was a man noted for his strong and unyielding social conscience. He not only condemned racism, he implemented concrete policies in his own archdiocese to achieve reconcilliation among the races. In 1964, he organized the Archbishop's Committee on Human Rights to help solve the evils of racism which are evident on all sides, in education, employment, housing, and so many areas of life. He sponsored Project Equality, an ambitious job opportunity program, and initiated a policy of "cooperative parish sharing," in which prosperous suburban parishes share their resources with poorer parishes in the inner city.

Of course, these concerns became popular during the sixties, but evidence of Archbishop O'Brien's social activism go back further. He called for the repeal of capital punishment as early as 1955, and he consistently opposed proposals for so-called right-to-work laws that would rob many employees of union protection.

I was struck by what the Episcopal bishop of Connecticut, the Right Reverend J. Warren Hutchens, said shortly after the archbishop's death:

He was a great archbishop who loved his clergy and the people of his diocese.

Bishop Hutchens further said:

All he did was motivated by love for them.

There can be no greater testimony for the life of a pastor than this simple statement.

I would like to insert the following editorial from the Hartford Courant, which appeared the day after Archbishop O'Brien's death:

[From the Hartford Courant, July 24, 1976]

ARCHBISHOP HENRY J. O'BRIEN

When a community is bereft of a spiritual and temporal leader as eminent as former Archbishop O'Brien, the loss is difficult to set down in words.

Not, indeed, that he had any use for encomiums. A man who shied away as often as politely possible from tributes, anniversary occasions and honorary observances, Archbishop O'Brien would have little tolerance for eulogy.

Yet despite the self-effacement so characteristic of him in daily life and churchly administration, epitaphs to him must and do abound on all sides.

The actual facts and figures chronicling his more than half century as a priest and his episcopacy of three decades are so many that they are best left to his obituary in other columns in this paper.

But even in most summary form they show a man of highest Christian devotion and unremitting practice of it in his relation to his fellow men. In the household of the faith, he has been the spiritual and administrative head of a diocese and province of a million and a half Roman Catholic souls, standing next to the Vatican in his authority. In the eyes of the Vatican he had been esteemed worthy of the first arch-episcopate in the history of the Hartford diocese, and to be an assistant to the Pontifical throne, an honor and recognition next to cardinal.

As of his retirement in 1968, Archbishop O'Brien was in charge of hundreds of priests and religious, more than 200 parishes and nearly 400 schools. In just the last 20 years alone of his office, 45 new parishes, 49 new elementary schools, 11 new secondary schools, two colleges and large hospital expansions came into being as physical monument to him and crowned by the rebuilding of Saint Joseph Cathedral itself.

Monuments of another kind are assuredly to be found in the associated and memories of "his men," as they like to call themselves—his fellow clergymen ordained or aspiring. To his priests he turned an attentive ear, encouraging freedom of exchange of ideas, even though the final decisions were firmly his. By his students at Saint Thomas Seminary, where he taught and presided, he was both revered and cheered. To all his colleagues of the cloth, despite his reserved nature, his reputation was one of fairness, patience and where occasion warranted, the leaven of a shrewd wit.

But Archbishop O'Brien's community had much more than ecclesiastical boundaries. Even before Vatican II, he was known for his encouragement of more open and cordial ecumenical relations with other faiths, of mutual search for solutions of community problems, especially those pertaining to social justice and betterment. He was not unaware of deep divisions, as he acknowledged, but his attempt to help bridge them was constant and sprang from his dedication to Christianity as a way to work for all men.

Archbishop O'Brien's retirement years did not bring him that surcease his myriad friends wished him. He fought the battles of a long period of failing health, all the while still trying to share his wisdom, prudence and experience with others in the Church and in the community. Until the very end, which has now come, the Most Reverend Henry J. O'Brien strove to effect his episcopal motto, Christus Crescat—"Let Christ Increase." His finest memorial will be the dedicated example of himself.

IRS DISCLOSURE CRIPPLES MAJOR GOVERNMENT CASE AGAINST TAX EVADERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, I have long been a supporter of the Freedom of Information Act. However, I have just received reports of an incredible mistaken and improper use of that act—a mistake which could cost the public millions in lost tax revenues.

The disclosure under the FOIA involves a Mr. Burton W. Kanter of Chicago who appears to have received the fastest FOIA disclosure in the history of the IRS.

Mr. Kanter is U.S. counsel for the Castle Bank & Trust Co. of Nassau, the Bahamas. He and the bank have been under investigation for months by the IRS Intelligence Division in an information-gathering operation known as Project Haven. More recently, they have come under investigation by the Justice Department and a Federal grand jury in Miami for alleged participation in schemes to help rich Americans evade hundreds of millions of dollars in taxes.

Tragically, IRS has given Mr. Kanter, an indicted Haven defendant, some 90 pages of prosecution documents. These documents refer not only to Mr. Kanter but other potential defendants as well.

I hasten to add that my comments are in no way intended to impugn the integrity of Mr. Kanter. Heretofore, he has been a well-respected member of the bar. My concern is not with the facts of his individual case. My concern, as chairman of the Ways and Means Oversight Subcommittee, is with the mishandling by the IRS of key prosecution documents.

On February 24, 1976, Mr. Kanter made a routine freedom of information request of a number of Federal agencies for any files pertaining to him. Because the law states that no files may be given up that are "investigatory records compiled for law enforcement purposes * * * to the extent that such records would interfere with law enforcement proceedings," his request was quickly turned down by other agencies. IRS complied, and complied with amazing speed.

But it is not just the speed which is so unusual—for the IRS. The gratuitous nature of the response is stunning. Mr. Kanter asked for only one report. In response, the IRS sent him two dozen status reports on Project Haven spanning a period of 16 months.

The release of these documents to Mr. Kanter will be very damaging to the Government. They provide those under investigation with a blueprint on how to elude prosecution. From these documents, the defendants can determine how far the Government has gotten in its investigation and how much further it would be going. The defendants now know which of their stories are being accepted by the Government and which stories will not fly. The defendants know the Government's tactics and strategy, who is to be indicted and when, and about which cases the Government has doubts.

If the defendants are so inclined, they now know which documents they can safely destroy or manufacture, and they can get together on oral false statements.

The IRS charged Mr. Kanter $9 for the 90 pages of documents he received. Because of this mistake, the Government stands to lose millions in taxes and penalties.

In handling the request, the IRS Disclosure staff did not follow established procedures of consulting the IRS Intel-

ligence Division. Nor was the Justice Department consulted. Had either been consulted, I am confident that none of these documents would have been sent to the defendant.

The IRS advised the Justice Department on April 5, 1976, of the calamity. The IRS admitted in its letter to Justice that the documents should not have been disclosed. The IRS explanation is that it was just the mistake of a low-level bureaucrat.

The explanations are not very convincing, to say the least. We are asked to believe that the officials who handled the request did not recognize the Kanter-Castle Bank-Project Haven connections—or, if they did, they attached no significance to these connections.

I find this hard to believe. One would expect most IRS employees—especially those most intimately associated with the disclosure of tax information—to know of their own organization's interest in Mr. Kanter, Castle Bank and Project Haven. Within recent months, before the Kanter request came in, newspapers carried stories about Mr. Kanter's activities and about the controversy over the protracted suspension of Project Haven during the summer and fall of 1975.

Along with three other lawyers, Mr. Kanter was indicated in March on conspiracy-to-defraud charges. The four were accused of using a Castle Bank trust account to escape taxes on the sale of a Reno, Nev., apartment complex. Further charges are being considered against Mr. Kanter as Project Haven continues.

The Kanter request reached the IRS Freedom of Information Branch on March 3. Two days later, the newspapers carried stories about his indictment. It is especially difficult to understand how these stories could have escaped the attention of IRS employees because of a most interesting quote from Mr. Kanter. The Washington Post and other papers reported that—

> Mr. Kanter charged that the indictment was engineered by the Justice Department and critics of Alexander to justify continuing Project Haven. . . .

Thus, it is difficult for me to believe that the IRS employees who handled the Kanter request were not aware of the Project Haven criminal investigation and Mr. Kanter's indictment. Nor do I understand how it could have escaped notice that the Commissioner was himself under investigation for suspending Project Haven. It has been reported that the names of the Commissioner's former law partners were among the records of the bank allegedly controlled by Mr. Kanter.

The timing of the response is also of great interest. It is highly unusual for the IRS to fill a freedom of information request within 3 weeks. Their usual response time is many months. The ponderous IRS bureaucracy is simply unable to respond within a 3-week period in the ordinary case.

After we learned that the IRS had turned over key prosecution documents to Mr. Kanter, the Ways and Means Oversight Subcommittee wrote the IRS at that time for an explanation. Almost 2 months went by before we received a substantive reply, and even that was a partial reply. The subcommittee is still waiting for the IRS Inspection Service's memorandums and affidavits taken in its investigation of the matter. If these documents had vindicated the IRS, I expect that we would have received them by now.

The documents furnished to us by IRS do not disclose whether the Commissioner was involved in the decision. One news account has quoted sources at the IRS as saying that the decision to release the information came at a "high level" in the agency and that "it was not just a bureaucratic foulup." We will have to reserve judgment until we can complete our investigation, but at the very least:

First. There was a breakdown in the fail-safe mechanism of the IRS for avoiding mistakes like this. IRS procedures, requiring clearance from the Intelligence Division or Chief Counsel, were not followed in this case; and

Second. Nor was any check made with the Justice Department, which is supposed to have the ultimate authority in the Haven cases.

All in all, the handling of the tax Haven case by the IRS is distressingly below the level of vigilance that this kind of investigation would appear to require. I wish to assure my colleagues that the Ways and Means Oversight Subcommittee will continue to exercise vigilance over the IRS investigation of Project Haven.

LEGISLATION AGAINST FURTHER AIR HIJACKING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 20 minutes.

Ms. ABZUG. Mr. Speaker, the recent hijacking of an Air France plane from Israel to Uganda again points up the need for stricter regulations if this kind of international terrorism is ever to be ended.

The 93d Congress attempted to deal with this problem by passing the 1974 Antihijacking Act. Recent events, however, have demonstrated that the law needs strengthening. We must adopt a policy which penalizes those nations which choose to assist air hijackers, or which continue air operations with countries which assist such hijackers. I am today introducing two bills which will implement this policy.

The first measure changes the Hijacking Act in the following manner:

First. The President would be required to suspend U.S. air operations, for at least 1 year, to or from any country which in any way aids or abets any terrorist organization that illegally seizes an aircraft; and

Second. The President would be required to suspend U.S. air operations to or from any country which maintains air operations with any country assisting such a terrorist organization.

This bill also increases the maximum penalties for failing to suspend operations in these cases by raising those penalties to a $10,000 fine or up to 2 years in prison.

The second measure bars U.S. foreign assistance to any nation during the period in which we have suspended air traffic operations because of its assistance to air hijackers, or because it has continued air operations with a country assisting air hijackers.

These are serious measures. However, we must take actions that will effectively deter any further episodes of hijacking such as we witnessed during the Entebbe incident. Only through such strict measures will this be accomplished.

The American Jewish Congress urged this kind of strong legislation in the New York Times of July 25. I believe that it would be helpful to my colleagues to consider the position of the Congress on this issue. Its statement and the text of the bills follow:

WE CAN STOP AIR PIRACY—IF WE MEAN IT

(A statement by the American Jewish Congress)

The world was uplifted by the heroic Israeli rescue mission in Uganda on the morning of July 4th. But the safety of international air passengers cannot depend on such extraordinary feats of daring. Once and for all air piracy must be stopped by international action.

It is clear that the United Nations cannot and will not act, dominated as it is by political blocs that include the prime perpetrators of terrorism. Nor can we wait for governments to produce still another meaningless international Convention. Every such treaty adopted thus far has deliberately failed to include any mandatory enforcement provisions.

AIRLINES AND AIR PILOTS CAN ACT

Foreign governments are plainly unwilling to risk political confrontation on the issue of air piracy. But airlines and airline pilots operate outside the constraints of formal diplomacy. Air France can do things that the government of France may not be able to do. Pilots and airlines can demand guarantees of air safety, as they have done in the past, without being paralyzed in advance by politics. All that is needed is the will to do so.

There is one way to stop the growing threat to safety in the skies. The private civil aviation community must argue collectively to seal off from air traffic any country whose actions make it an accomplice in the crime of hijacking. The airlines must act together so that no one and no country may reap benefit from air piracy.

Until now the criminals guilty of air kidnapping and the governments that support them and provide them refuge have been allowed to go scot free. Uganda, guilty of complicity in the Air France hijacking, remains an accepted member of the world community, a voting member of the U.N. Not one step has been taken to penalize Uganda or the brutal despot who leads it.

HOW TO END HIJACKING NOW

We propose a course of action that will change this do-nothing policy, that will impose effective penalties—and that can be put into effect at once.

To stop air piracy, we call upon the International Air Transport Association and the International Federation of Airline Pilots Association to make clear that they no longer will fly to any nation that:

(1) Refuses immediately to return a hijacked plane, its passengers or crew,

(2) Gives haven to those responsible for any hijacking, or

(3) Fails to prosecute or extradite hijack terrorists promptly.

The airlines of the world have repeatedly condemned hijacking. But nothing will hap-

pen until they act to put teeth into those declarations. They must act now.

WHAT WASHINGTON CAN DO NOW

Without waiting for the airlines and air pilots to act, our own government can move now to end violence in the air. Legislation is needed that will direct the President to suspend air service to:

(1) Any country used as a base of operations or training or as a sanctuary for terrorists,

(2) Any country that arms, aids or abets terrorist organizations, and

(3) Any country that continues to maintain air traffic with an offending state.

At the same time legislation is needed that will curtail all U.S. economic and military assistance to any nation that encourages, protects, supplies—or fails to take appropriate action against—organizations guilty of air terrorism.

SERVING NOTICE ON TERRORISTS

Such a resolute and publicly announced program, combining action by the private international civil aviation community, and by our own government, will not only deter the lawless acts of private persons. It will also serve notice that any country that encourages these acts by condoning them and by offering havens to the guilty will suffer serious penalty.

The brave Israelis who rescued the hostages at Entebbe gave heart to us all. Now we must devise ways to make sure that no one ever again need go to such lengths to protect the lives of innocent victims of air piracy. We must act in concert. And we must act now.

We urge you to write your Senators and Representatives in support of the legislative proposals we have outlined.

We urge you to write to each of the following persons, calling on them to seal off any country that cooperates with air kidnappers:

Mr. Kurt Hammarskjold, Director-General, International Air Transport Assn., Austin Sq. Building, 1000 Sherbrooke St. West, Montreal, Canada 110PQ.

Capt. James J. O'Grady, International Federation of Airline Pilots Assn., 1 Hyde Park Pl., London, W.2., England.

And we invite you to join with us in the American Jewish Congress to help carry forward the campaign to end air piracy now.

H.R. 14885

A bill to require that the President suspend air transportation rights of any foreign nation which assists air terrorists, 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 "Air Piracy Quarantine Act of 1976."

SECTION 1. Section 1114(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), is amended to read as follows:

"SUSPENSION OF AIR SERVICES

"SEC. 1114(a) Whenever the President determines that a foreign nation is acting in a manner inconsistent with the Convention for the Suppression of unlawful Seizure of Aircraft, or if he determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training or as a sanctuary for, or in any way arms, aids, or abets, any terrorist organization which knowingly uses the illegal seizure of aircraft or the threat thereof as an instrument of policy, he shall, without notice or hearing and for as long as he determines necessary to assure the security of aircraft against unlawful seizure, but in no case for less than one year, suspend (1) the right of any air carrier or foreign air carrier to engage in foreign air transportation, and the right of any person to operate aircraft in foreign air commerce, to and from that foreign nation, and (2) the right of any air carrier or foreign air carrier to engage in foreign air transportation, and the right of any person to operate aircraft in foreign air commerce, between the United States and any foreign nation which maintains air service between itself and that foreign nation. Notwithstanding section 1102 of this Act, the President's authority to suspend rights under this section shall be deemed to be a condition to any certificate of public convenience and necessity or foreign aircraft permit issued by the Civil Aeronautics Board and any air carrier operating certificate or foreign air carrier operating specification issued by the Secretary of Transportation.

"(b) It shall be unlawful for any air carrier or foreign air carrier to engage in foreign air transportation, or for any person to operate aircraft in foreign air commerce, in violation of the suspension of rights by the President under this section.

Section 2. Whoever violates, or participates in a violation of the provisions of Section 1 of this Act shall be guilty of a felony, and shall be fined not more than $10,000, or imprisoned not more than two years, or both.

H.R. 14884

A bill to bar foreign assistance to any nation air traffic to and from which is suspended for violation of the air piracy provisions of the Aviation Act of 1958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds of the United States shall be used to provide or facilitate the provision of any grant loan, credit, guarantee, or other assistance to, in, or for the benefit of any nation which is the subject of a suspension order under section 1114 of the Aviation Act of 1958 (49 U.S.C. 1514).

SEC. 2. Whoever violates, or participates in a violation of the provisions of section 1 of this Act shall be guilty of a felony, and shall be fined not more than $10,000, or imprisoned not more than two years, or both.

SEC. 3. Any person may bring a suit in a district court of the United States, without regard to the amount in controversy, to enforce the provisions of section 1 of this Act.

AIR QUALITY STANDARDS REQUIRED FOR THE INTERIOR OF SCHOOL BUSES AND OTHER SUSTAINED-USE VEHICLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 30 minutes.

Mr. KOCH. Mr. Speaker, I should like to discuss with our colleagues the need to provide for air standards limiting concentrations of carbon monoxide within the interior of schoolbuses and other sustained-use vehicles such as police patrol cars, taxis, and long-haul trucks. The Clean Air Act Amendments of 1976 will shortly be brought to the floor of the House and it is my intention to offer an amendment to H.R. 10498 which would have the following effect. The amendment provides for a 1-year study by Environmental Protection Agency and the Department of Transportation to characterize and quantify permissible interior levels of carbon monoxide in schoolbuses and other sustained-use motor vehicles, and determine the effect of carbon monoxide at various levels upon the passengers of such vehicles. The study will also review monitoring procedures now available and ascertain the cost effectiveness of strategies for attaining and monitoring the carbon monoxide standards to be promulgated. The Administrator of EPA would then be empowered to issue regulations setting acceptable levels and limitations of carbon monoxide in the interior of these vehicles. The States shall then submit to the Secretary of Transportation plans for the implementation of the promulgated standards.

The time sequence is as follows: The Administrator shall report to the Congress the results of such study within 1 year from enactment of this bill, and not later than 1 year from enactment the Administrator shall, by regulation, promulgate standards applicable to the presence of carbon monoxide in the passenger areas of sustained-use vehicles; within 90 days of the issuance as proposed standards, and after public hearings, the Administrator shall promulgate final standards; each State shall then submit to the Secretary of Transportation within 24 months from the enactment of the legislation an implementation plan for attaining the standards as expeditiously as possible, but in no case later than 3 years after approval of the plan. And such plan shall include adequate monitoring of such vehicles not less than twice during any year. The standards and State plans under this part are enforceable and subject to judicial review in the same manner as standards and plans under title I of the act.

Let me cite just a few instances showing the need for interior air standards:

In Shelby County, Ala., on October 3, 1966, a schoolbus arrived at the county school. After the children had debarked from the bus, the driver noticed two small children unconscious in the rear of the bus. The children, it was determined were suffering from overexposure to carbon monoxide.

Consultation with school authorities and the mechanic at the depot established the fact that the end of the exhaust pipe of the bus had been partially crushed and forced out of alinement, allowing engine exhaust gases to discharge at a point several inches short of and upward toward the rear of the bus directly under the seat occupied by the children.

Shortly after the incident a sampling was made of 190 buses used in the county. Of the total number of buses tested, 99 tested positive for carbon monoxide. The concentrations ranged from 25 parts per million to 800 parts per million. As I will describe later, any concentrations above 25 parts per million—ppm—is considered significant.

Although drivers were not questioned about carbon monoxide overexposure symptoms many volunteered statements that they had headaches or experienced dizziness when they drove their buses. All of the buses concerned tested positive for high levels of carbon monoxide.

On December 16, 1971, in Seattle, Wash., eight schoolchildren became ill on a schoolbus transporting them to school. The symptoms included those normally associated with carbon monoxide over-

exposure such as drowsiness, headaches, and nausea. Five of the children required immediate hospitalization. All of the children who became ill were seated in the rear of the bus which had a rear-mounted engine. On December 13, 1974, in Denver, Colo., 17 children and a driver became ill, the symptoms again were those associated with an overexposure to carbon monoxide. These buses also had rear-mounted engines.

On September 14, 1975 in Baltimore, Md., a police officer died after being found unconscious in his parked patrol car. The apparent cause of death was carbon monoxide overexposure.

Only 1 month later another police officer in the same locality was hopsitalized for dizziness, headaches, and loss of limb control. The results of the caroxyhemoglobin test indicated that a 25 percent concentration of the gas was in the blood, a near lethal dose.

In Port Newark, N.J., a port authority police officer was recently found slumped over a steering wheel. A test of the interior levels of carbon monoxide indicated levels in excess of 80 to 90 parts per million.

Mr. Speaker, I conducted tests this year to determine the interior carbon monoxide levels of some school buses in New York City. The monitor used was an ecolyzer which provides readings of carbon monoxide parts per million. The vehicles tested were regular school buses provided by the Board of Education to transport schoolchildren who happen to be deaf and attending a school for the deaf. My staff and I tested 35 buses on 3 separate days. In 93 of 105 of the tests significant levels of carbon monoxide were found. The monitor read from 0 to 100 parts per million.

I think it very important to note that the Federal Aviation Administration regulates the presence of carbon monoxide in the cockpits of small engine aircraft. In a study conducted by the FAA in the 1960's covering a 4-year period, 38 reports of carbon monoxide poisoning in cockpits were turned up that caused illnesses and 12 fatalities. In response to these findings the FAA issued regulations pertaining to the presence of carbon monoxide in the interior of cockpits and made provisions in the manufacturing stage of production to detect possible defects. Since the regulations have been issued there has been a dramatic decline in the number of fatalities due to carbon monoxide poisoning.

I am setting forth as one of the exhibits the FAA regulations bearing upon interior ambient air standards.

Mr. Speaker, in 1975, 21 million children were bused over 2 billion miles. And that busing will happen every year. Indeed the numbers may increase. It is unconscionable that we, knowing of the danger to the health of these children, fail to take measures to correct the matter.

I am appending, Mr. Speaker, the proposed amendment, memorandum, and correspondence which I believe will provide the Members with detailed information on the subject and I hope to enlist their support when the amendment comes to the floor. The current cosponsors of the amendment are:

BELLA S. ABZUG, JOSEPH P. ADDABBO, HERMAN BADILLO, CARDISS COLLINS, JAMES C. CORMAN, DOMINICK V. DANIELS, THOMAS J. DOWNEY, ROBERT F. DRINAN, DON EDWARDS, BENJAMIN A. GILMAN, MICHAEL HARRINGTON, HENRY HELSTOSKI, JOHN KREBS, CLARENCE D. LONG, MIKE MCCORMACK, MATTHEW F. MCHUGH, ANDREW MAGUIRE, PATSY T. MINK, JOE MOAKLEY, JOHN M. MURPHY, RONALD M. MOTTL, RICHARD L. OTTINGER, JERRY M. PATTERSON, MATTHEW J. RINALDO, ROBERT A. ROE, BENJAMIN S. ROSENTHAL, EDWARD R. ROYBAL, JAMES H. SCHEUER, GLADYS NOON SPELLMAN, FORTNEY H. STARK, HENRY A. WAXMAN, JAMES WEAVER. CHARLES H. WILSON, TIMOTHY E. WIRTH, and SIDNEY R. YATES.

The material follows:

AMENDMENT TO H.R. 10498, AS REPORTED OFFERED BY MR. KOCH

Page 302, after line 7, insert:

CARBON MONOXIDE STANDARDS FOR VEHICLE PASSENGER AREAS

"SEC. 220. (a) Title II of the Clean Air Act (relating to emission standards for moving sources) is amended by adding the following new part at the end thereof:

"PART D—CARBON MONOXIDE STANDARDS FOR VEHICLE PASSENGER AREAS

"Establishment of standards

"SEC. 241. (a) The Administrator, in conjunction with the Secretary of Transportation, shall study the problem of carbon monoxide intrusion into buses and sustained-use motor vehicles. Such study shall characterize and quantify interior levels of carbon monoxide in such buses and motor vehicles and determine its effect upon the passengers (including driver) of such vehicles. The study shall review monitoring procedures available and study the cost effectiveness of strategies for attaining and monitoring the standards promulgated under this section. Within one year the Administrator shall report to the Congress respecting the results of such study.

"(b) Not later than one year after the enactment of this part, the Administrator shall issue proposed regulations applicable to the presence of carbon monoxide in the passenger area of buses which in his judgement causes, or contributes to, or which may reasonably be anticipated to create, a danger to the health of passengers (including the driver) of such buses.

"(c) Not later than one year after the enactment of this part, the Administrator shall by regulation issue proposed regulations applicable to the presence of carbon monoxide in the passenger area of sustained-use motor vehicles which in his judgement causes, or contributes to, or which may reasonably be anticipated to create, a danger to the health of passengers (including the driver) in such vehicles.

"(d) After reasonable time for interested persons to submit written comments thereon (but not later than 90 days after the initial publication of proposed regulations under this section) the Administrator shall, by regulation, promulgate, with such modifications as he deems appropriate, final standards applicable to the presence of carbon monoxide in the passenger areas of buses and sustained-use vehicles which in his judgment causes, or contributes to, or which may reasonably be anticipated to create a danger to the health of passengers (including the driver) of such buses and vehicles. Such standards shall be revised from time to time.

"STATE PLANS

"SEC. 242. (a) Each State shall submit to the Secretary of Transportation an applicable implementation plan which shall include such measures applicable to buses, and sustained-use vehicles as may be required to implement the standards prescribed under section 241. Such measures shall be adequate to attain such standards as expeditiously as practicable (but in no case later than three years after approval of the plan) and to maintain them thereafter. Such measures shall include adequate monitoring and, not less frequently than twice during any 12 month period, inspection of such buses and vehicles. Such measures shall apply to buses and sustained-use motor vehicles manufactured before the effective date of this part (vehicles in use) as well as to buses and sustained-use motor vehicles manufactured on or after such date.

"(b) The Secretary shall approve the plan submitted by the State if such plan provides for such measures as may be required, under regulations promulgated by the Secretary, to attain (by the date required under subsection (a)) and maintain the standards promulgated under section 241. Such plan shall be approved or disapproved in the same manner as plans approved or disapproved by the Administrator under section 110 and the Secretary shall have the same authority with respect to State plans which are not submitted under this part or which are disapproved under this part as the Administrator has with respect to State plans under section 110(c). The Secretary shall also have the same authority with respect to enforcement of plans under this section as the Administrator has under section 113 with respect to applicable implementation plans under title I. Review of any standard promulgated by the Administrator under this section or of any action taken by the Secretary under this section shall be in the same manner as review of standards and other actions of the Administrator under section 307.

"DEFINITIONS

"SEC. 243. For purposes of this part, the term—

"(1) 'bus' means any diesel or gasoline fueled motor vehicle having a passenger capacity of ten or more persons in addition to the driver, including but not limited to a school bus, which is used to transport any person; and

"(2) 'sustained-use motor vehicle' means any diesel or gasoline fueled motor vehicle (whether light or heavy duty) which, as determined by the Administrator, is normally used and occupied for a sustained, continuous, or extensive period of time, including, but not limited to, taxicabs and police vehicles.".

(b)(1) Section 206(a)(1) of such Act (relating to motor vehicle and motor vehicle engine compliance testing and certification) is amended by inserting "and 241" after "202".

(2) Section 206(a)(2) of such Act is amended by inserting "and 241" after "202(b)".

(3) Sections 207(a) and 207(c) of such Act are amended by inserting "and 241" after "202".

(4) Section 207(b) of such Act is amended by inserting "or 241" after "202" in each place it appears.

(c) Each State shall adopt and submit a plan for the purpose of meeting the requirements of section 242 not later than 24 months after enactment of this part. Not later than 4 months after submission of such plan, the Secretary of Transportation shall approve such plan or disapprove such plan and promulgate a Federal plan under section 242 for purposes of meeting such requirements.

Amend the table of contents on page 153 to insert the following item after the item relating to section 219:

"SEC. 220. Carbon monoxide standards for vehicle passenger areas."

FACTS ABOUT THE KOCH AMENDMENT TO H.R. 10498 THE CLEAN AIR ACT AMENDMENTS OF 1976

WHAT WAS THE IMPETUS FOR THE AMENDMENT?

A recent article in the American Journal of Public Health (12–75) revealed that significantly high levels of carbon monoxide are found in the interior of school buses. After reading the article members of Representative Edward Koch's staff conducted tests on school buses in New York City. The results confirmed the findings of the article in the American Journal of Public Health. There have been recent reports about the deaths of police officers due to carbon monoxide over-exposure.

WHAT IS CARBON MONOXIDE?

Carbon monoxide is a colorless, ordorless, nonirritating gas which is generated by incomplete combustion, and it is one of the most important of the urban atmospheric pollutants. The side effects of carbon monoxide over-exposure are headaches, nausea, muscular twitching, disturbed and impaired judgement, fatigue, shortened attention span, depressed heart and respiratory action—and after long enough exposure, death. The gas exerts its toxic effect by essentially starving the body of it's vitally needed oxygen.

HOW CAN THE GAS BE DETECTED?

There are various methods for the detection of carbon monoxide. The most reliable and accurate method for testing is the Ecolyzer, an instrument which gives a constant parts per million reading. The device is also the most expensive of the detecting mechanisms available. Another method is an alarm which goes off when a certain concentration of the gas is present. The cheapest method is the indicator method. This is a tab which changes color when a certain concentration is reached and maintained for a prolonged period of time.

WHAT REGULATIONS PRESENTLY EXIST IN THIS AREA?

Currently, the EPA does not have standards which specifically restrict ambient concentrations of carbon monoxide within the passenger space of an operating motor vehicle. The levels which are presently in existence pertain to outdoor ambient carbon monoxide levels and to carbon monoxide levels in enclosed industrial areas. Although the Clean Air Act does not prohibit EPA from asserting authority over indoor air pollution problems, EPA has never attempted to regulate this most important area. Therefore, the Koch amendment is a necessity.

WHAT IS THE KOCH AMENDMENT?

The Koch amendment to H.R. 10498 (Clean Air Act Amendments of 1976) provides for a study by EPA in conjunction with DOT that will characterize and quantify interior levels of carbon monoxide in public vehicles (buses) and sustained use motor vehicles (police patrol cars and taxis) and determine its effect upon the passengers of such vehicles. The study will also review monitoring procedures available and study the cost effectiveness of strategies for attaining and monitoring the interior carbon monoxide standards which will be promulgated after the conclusion of the study. The States shall submit to the Department of Transportation a plan for the implementation of the promulgated standards.

WHY AMEND THE CLEAN AIR ACT?

Originally, the Congress enacted the Clean Air Act in order to deal with air pollution problems on a Federal level. More specifically, the Act requires that the Federal government set national standards and that the States develop a program to attain and maintain these standards.

In the legislation presently being considered (H.R. 10498) there are provisions for studies to be conducted by EPA with promulgation by EPA standards at the conclusion of the study with the Department of Transportation assuming responsibility for monitoring compliance, (Railroad Locomotive Emission Standards Section 235, 236 H.R. 10498 Clean Air Act Amendments of 1976).

In adopting the 1976 amendments the committee intended to accomplish several objectives:

1. To provide new authorities to deal with environmental problems that were not addressed in earlier legislation;

2. To continue to improve methods for the protection of the public health.

The Koch amendment to H.R. 10498 clearly follows the precedents set by the original Act, and the guidelines established by the Committee in adopting the 1976 amendments.

WHICH STATES SUPPORT THE CONCEPT OF THE KOCH AMENDMENT?

The appropriate departments of the following States have responded in favor of the concept of the Koch amendment. The States are, Alabama, California, Connecticut, District of Columbia, Florida, Idaho, Iowa, Louisiana, Maine, Nebraska, New Hampshire, New Jersey, New York City, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, American Samoa, Puerto Rico.

WHICH ASSOCIATIONS OR ORGANIZATIONS SUPPORT THE INTENT OF THE KOCH AMENDMENT?

The following groups have indicated support for the Koch amendment. They are, National School Transportation Association; Institute for Safety Analysis; Straub Clinic; Honolulu, Hawaii; Physicians for Automotive Safety; Pediatric Department of the Cambridge Hospital at the Harvard Medical School; Borgess Pediatric Center, Kalamazoo, Michigan; Medical Associates, Dover, N.J.; School District 742, St. Cloud, Minnesota; Jefferson County Health Department, Lakewood, Colorado; and the American Academy of Pediatrics; Auto Safety Committee of the Kaiser Permanente Clinics in Oregon; Action for Child Transportation Safety.

CARBON MONOXIDE IN NEW YORK SCHOOL BUSES—TESTS CONDUCTED BY CONGRESSMAN EDWARD I. KOCH AND STAFF

FEBRUARY 6, 1976.

Introduction: After reading an article in the December issue of the American Journal of Public Health entitled *Carbon Monoxide in School Buses,* the New York staff of Representative Edward I. Koch decided to test the levels of interior carbon monoxide in local school buses.

Discussion: The carbon monoxide detector used in the study was the Ecolyzer. This apparatus dr ws air over a catalytically active electrode that converts CO to CO2, the associated ion production being proportional to CO concentration. The machine was the model 2600 a dual range (0–100 and 0–50) instrument. The apparatus was calibrated and tested prior to our use and we were told the machine would read within 1ppm of the actual CO concentration.

We located a school in the district where 35 buses assembled each day. The school was located on a major east-west thoroughfare where the traffic is normally moderate. The children in the school were all deaf and we felt that any significant levels of carbon monoxide would further hinder the learning ability of these children. These tests were conducted on the same buses on three separate occasions.

Results: Day #1—The outside temperature was 32F and the ambient CO was 8 ppm. The winds were variable at 8 m.p.h. We used the same level ranges that were used in the original article.

Levels of CO:	Number of Buses	Percent of total
0	1	2.8
1–8	2	5.7
9–34	12	34.2
35–49	13	37.1
50–100	7	20.0

The levels were all checked in the rear of the bus, after the bus had been running for at least twenty minutes. All windows were closed and the children still hadn't boarded the buses.

Day #2—The outside temperature was 18F and the ambient CO was 6 ppm. The winds were east-west at 20 m.p.h.

Levels of CO:	Number of Buses	Percent of total
0	3	8.5
1–8	3	8.5
9–34	9	25.7
35–49	13	40.0
50–100	6	17.1

Introduction: In this test some of the buses in the 35–49 range had their engines shut off. Therefore the levels measured were residual.

Day No. 3—The outside temperature was 22 F and the ambient CO was 9 ppm. The winds were 6 m.p.h. and variable.

Levels of CO:	Numbers of buses	Percent of total
0	2	5.7
1–8	1	2.8
9–34	5	14.2
35–49	20	57.1
50–100	7	20.0

Summary: The buses tested were not parked next to each other therefore the point of entry of the carbon monoxide was not the firewall but rather the rear exit emergency door. Most of the vehicles were tested as they drove up to the school to pick up the children. According to the drivers the engines were on for about twenty minutes prior to the test. Presently federal EPA has no standards for interior carbon monoxide in vehicles. Therefore, we used as guidelines the EPA standards for ambient carbon monoxide. In 93 of the 105 buses tested the CO levels exceeded the levels for ambient air. Due to the fact these children were handicapped, we were unable to ascertain whether or not they felt any of the symptoms usually associated with a 10–30% COHb blood saturation levels.

Conclusion: According to the article in the American Journal of Public Health and private conversations with the author, Dr. Carl Johnson the problem is not unique to urban areas but is also found in suburban areas as well. We feel that the following three measures should be taken immediately.

1—EPA should immediately set interior carbon monoxide levels for vehicles and require that the local authorities monitor them.

2—DOT should require that all new mass transit vehicles have their exhaust tails placed at a point above the roof. By doing this the noxious fumes will be blown off the top of the vehicle and not into the interior of the passenger compartment.

3—An immediate study should be commissioned to determine how CO intoxication affects scores on standardized examinations. There seems to be a correlation with the students from the buses which have consistently high levels of CO and low standardized test scores.

Acknowledgements: Representative Edward I. Koch thanks the Department of Environmental Protection and Dr. Carl Johnson of the Jefferson County Health Department for his technical assistance. For further information on this topic please contact Mr. Victor Botnick, Staff-Aide to Congressman Edward Koch at 26 Federal Plaza, New York, N.Y. 10007 or (212) 264–1066.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., July 19, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This responds to your inquiry of July 7 to Dr. McLucas requesting information on our studies of the carbon

monoxide intrusion problem in vehicles and airplanes and proper detection methods.

Enclosed is a copy of our report No. ADS–80, An Evaluation of Low-Cost Carbon Monoxide Indicators, July 1966, which is the sole report on record produced by this agency on that subject. The detection method recommended is a rather inexpensive one, which would impose very little cost on the aircraft owner/operator. However, according to our best current information the manufacturer of that specific detector is no longer available. A more sophisticated technique used in certification for supplemental approval of aircraft is a CO detector produced by the Mine Safety Appliance Company of Pittsburgh, Pennsylvania.

Applicable Federal Aviation Regulations, delineating airworthiness standards on the subject of carbon monoxide in aircraft, are contained in Part 23.831, Ventilation, and Part 25.1125, Exhaust heat exchangers, for general aviation aircraft and transport category airplanes, respectively. A copy of these regulations is enclosed for your information. To our knowledge, however, transport aircraft used in this country do not employ heater equipment subject to carbon monoxide exhaust fumes.

We trust this information is adequately responsive to your inquiry.

Sincerely,

ROBERT W. WEDAN,
Acting Director, Systems Research and Development Service, ARD–1.

Enclosures.

CHAPTER 1—FEDERAL AVIATION ADMINISTRATION

SECTION 23.831 VENTILATION

Each passenger and crew compartment must be suitably ventilated. Carbon monoxide concentration may not exceed one part in 20,000 parts of air.

SECTION 25.1125 EXHAUST HEAT EXCHANGERS

(a) Each exhaust heat exchanger must be constructed and installed to withstand each vibration, inertia, and other load to which it would be subjected in operation. In addition—

(1) Each exchanger must be suitable for continued operation at high temperatures and resistant to corrosion from exhaust gases;

(2) There must be means for the inspection of the critical parts of each exchanger;

(3) Each exchanger must have cooling provisions wherever it is subject to contact with exhaust gases; and

(4) No exhaust heat exchanger or muff may have any stagnant areas or liquid traps that would increase the probability of ignition of flammable fluids or vapors that might be present in case of the failure or malfunction of components carrying flammable fluids.

(b) If an exhaust heat exchanger is used for heating ventilating air—

(1) There must be a secondary heat exchanger between the primary exhaust gas heat exchanger and the ventilating air system; or

(2) Other means must be used to preclude the harmful contamination of the ventilating air.

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 17, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of April 23, 1976, regarding carbon monoxide intrusion into school buses. As I have previously indicated, I share your concern about the problem and am pleased to respond to your inquiries.

The report you mentioned, "Field Evaluation of Carbon Monoxide Levels in School Buses," was commissioned by the National Highway Traffic Safety Administration (NHTSA) in connection with its investigation of an alleged safety-related defect in the exhaust system of certain school buses. The purpose of the report was to develop specific information on levels of carbon monoxide that could be expected to exist in school buses under a variety of conditions, including varying types of exhaust system failures.

The report was not undertaken in response to information about deaths or injuries caused by carbon monoxide intrusion into school buses. No such deaths have been reported to the NHTSA. Apart from the Seattle incident, the only instance of sickness due to carbon monoxide in school buses known to NHTSA occurred in 1966 in Shelby County, Alabama, where two children in an improperly-maintained school bus were overcome by carbon monoxide. I am enclosing a copy of an article discussing the Shelby County incident. An incident occurring on May 22, 1976, in which a number of District of Columbia children on a church outing were overcome by exhaust fumes did not involve a school bus, but rather, involved a reconditioned 1952 city transit bus. Investigators from the NHTSA are presently conducting an investigation of that incident.

With respect to the recommendations contained in the Field Evaluation report relating to the monitoring of carbon monoxide levels, the NHTSA is investigating the availability of devices to measure carbon monoxide levels which can be operated and afforded by local school districts, and which give a sufficiently accurate reading to enable a meaningful monitoring of carbon monoxide levels. Clearly, the availability of such devices is a prerequisite to a consideration of whether to require carbon monoxide monitoring as part of a regular inspection program.

Although the absence of reported deaths or sicknesses supports the adequacy of the present NHTSA response to the carbon monoxide problem, the information which you enclosed in your letter of March 16, 1976, raises certain issues which are now being considered by NHTSA. Specifically, your studies of carbon monoxide levels in school buses show higher levels than might have been expected to exist in properly-maintained buses. In addition, the report about the Seattle study underscores the impact of school bus operating practices on the intrusion of carbon monoxide.

Although regulatory action does not appear necessary now, I want to note that there is statutory authority for such action. Under the Highway Safety Act, the Department has standards which include requirements governing inspections of vehicles in use and certain aspects of the operation, maintenance, and inspection of school buses in use. Expansion of those requirements might require legislative authorization pursuant to 23 U.S.C. 402(h). The performance of new motor vehicles, including the intrusion of carbon monoxide into new school buses, could be regulated through the issuance of Federal motor vehicle safety standards under the National Traffic and Motor Vehicle Safety Act. Each standard must satisfy several statutory criteria, including one that it must meet a demonstrable safety need.

I appreciate your continuing interest in the potential problems of carbon monoxide intrusion into school buses.

Sincerely,

WILLIAM T. COLEMAN, Jr.

Enclosure.

MARCH 16, 1972.

[Contract No. DOT–HS–001–1–161]

FIELD EVALUATION OF CARBON MONOXIDE LEVELS IN SCHOOL BUSES

(By Larry D. Smith)

SECTION II

Summary of Findings

Several areas of interest which were investigated in this test effort were found to have little or no effect upon the interior CO levels.

Those relationships which did correlate well are discussed in Section 4. Those items may be summarized as follows:

1. The interior CO levels of all buses tested as received showed 8.0 percent of the buses exceeding 25 PPM. See Table 4–1.

2. The interior CO levels of all buses tested as received averaged 4.6 PPM. See Table 4–1.

3. The interior CO levels of the buses which exceeded 25 PPM averaged 36.8 PPM. See Table 4–1.

4. The interior CO of all buses tested as received showed 1.8 percent of the total sample to have over 65 PPM levels. See Table 4–2.

5. The interior CO of all buses tested with simulated tailpipe defects showed 4.5 percent of the total sample to have over 65 PPM levels. See Table 4–2.

6. The interior CO of all buses tested with simulated exhaust manifold defects showed 25.2 percent of the total sample to have over 65 PPM levels. See Table 4–2.

7. The interior CO of all buses tested with simulated tailpipe defects showed 13.7 percent of the total sample to have over 25 PPM levels. See page 10.

8. The interior CO of all buses tested with simulated manifold defects showed 48.4 percent of the total sample to have over 25 PPM levels. See page 10.

9. Wind velocity effected ICO in an individual case but poor correlation exists with the total bus sample. See Tables 4–4 and 4–5.

10. Idle CO levels (ECO) had significant effect upon passenger compartment CO levels. See Table 4–6 and Figure 4–7.

11. Passenger compartment integrity did effect ICO but the lack of integrity was not necessarily bad. See Table 4–8, 4–9, 4–10 and 4–11.

12. Leaking windows help to lower ICO. See page 21.

13. Boots around control devices do not help reduce ICO although their effect either positive or negative is very small. See page 22.

14. Firewall holes tend to increase ICO in all modes of operation. See page 22.

15. Floor holes and panel separations tend to increase ICO levels. See page 22.

The conclusions which can be drawn from the findings presented above can be summarized as follows:

1. Exposure to CO levels in excess of 65 PPM is occurring in almost 2 percent of the school buses in service.

2. Up to 25 percent of the school bus population could produce ICO levels in excess of 65 PPM with exhaust system failures.

3. In some cases, exposure levels can exceed 500 PPM in the 66 passenger buses.

4. There is no direct means by which an analytical approximation to the expected interior CO levels can be generated and used with any degree of confidence.

5. Material and ambient conditions are all contributors to ICO of school buses, but much resolution of effect is diluted by the large numbers of uncontrolled parameters.

6. The most influential elements, both good and bad, involved in describing the interior CO levels are:

Engine Idle CO.
Firewall Holes.
Window and Door Seals.
Gross Exhaust System Defects.

Recommendations for action based upon this investigation are two-fold. The first is something which can be done to reduce exposure to CO and the second is what may be done to further understand some of the mechanisms of CO intrusion in greater detail.

1. Establish engine carbon monoxide emission levels and relate exhaust system conditions to quantitative valuations. The ECO level should be checked on a maximum of monthly intervals. The CO device used in this investigation costs only $800.00 and has served reliably for over 2 years.

2. An investigation of a more controlled nature should be made in which a relatively small number of buses should be tested with emphasis upon isolation and defination of areas produced by this investigation as having some effect upon ICO. Some items included in this category are:

Defect Area.
Wind Velocity.
Idle CO.

Even though significant effects of the above items have been shown, quantitative evaluation of each item should be possible with more in-depth studies of each individual parameter.

JEFFERSON COUNTY HEALTH DEPARTMENT,
Lakewood, Colo., July 13, 1976.

Re: Koch Amendment to HR 10498
Hon. EDWARD I. KOCH,
Member of Congress,
Longworth Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KOCH: I support the amendment you have proposed to HR 10498, which will require a more detailed study of the carbon monoxide problem involving school buses and which allows one year for implementation of the recommendations of such a study. It is essential that such action be taken as soon as possible in order to prevent the needless risk of adverse effects on the health of millions of children who ride school buses and tragic accidents which may be due to effects of carbon monoxide on the driving ability of school bus drivers.

The importance of this problem and the need for corrective action was pointed out by my article in the American Journal of Public Health in December of last year describing an investigation which disclosed that a large proportion of school buses have excessive levels of carbon monoxide in the passenger compartments due to poor bus design and maintenance. In reports of other investigations, including your own, these findings are corroborated. I feel the result of the Koch amendment will be the development and the implementation of better standards for design and maintenance of school buses, which will have a far-reaching effect in terms of better health for school children in this country.

The present apparent indifference on the part of many school officials and persons in charge of school bus design and maintenance may stem from their lack of awareness of the amount of carbon monoxide which does occur in school buses. Carbon monoxide poisoning is insidious in that long exposure to low levels may cause measurable effects before children and adults will complain of symptoms.

I strongly urge members of Congress to give their full support to the Koch amendment which addresses this problem.

Sincerely yours,
CARL J. JOHNSON, M.D., M.P.H.,
Director of Health.

COMMONWEALTH OF PUERTO RICO,
DEPARTMENT OF HEALTH,
San Juan, Puerto Rico, May 25, 1976.

Hon. EDWARD I. KOCH,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Our agency whole heartedly supports your bill (H.R. 12954) from a public-health standpoint.

Even though local legal jurisdiction over air pollution problems falls upon our local Environmental Quality Board, you can count on our support for your project.

Sincerely yours,
JOSÉ A. ALVAREZ DE CHOUDENS, M.D.,
Secretary of Health.

GOVERNMENT OF AMERICAN SAMOA,
DEPARTMENT OF MEDICAL SERVICES,
Pago Pago, American Samoa, May 24, 1976

Hon. EDWARD I. KOCH,
Congress of the United States,
Longworth Office Building,
Washington, D.C.

DEAR MR. KOCH: This is in response to your Circular of May 7, 1976 in regard to Carbon Monoxide in school buses.

I am enclosing a copy of the report of our Chief of Sanitation about the issue in the Territory of American Samoa.

There had not been any cases reported of carbon monoxide poisoning that I am aware of except on one recent suicide case.

I congratulate you for your thoughtfulness in the subject and hoping that the Congress would approve an amendment in the Clean Air Act for EPA to establish acceptable carbon monoxide levels for the interior of school buses and all vehicles for safety of the public.

Sincerely yours,
NOFO SILIGA, DPH,
Public Health Officer.
DR. PAUL TURNER,
Acting Director of Medical Services.

DEPARTMENT OF EDUCATION,
Nashville, Tenn., May 21, 1976.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR SIR: Thank you for your efforts to protect the health and safety of transported pupils.

We have experienced, in past years, the problem of carbon monoxide on Tennessee school buses but fortunately, the effects have been minimal and without serious impact on our transported pupils. We have instituted one of the most rigorous inspection programs in the country, as a result of these isolated occurrences, to combat the possibility of carbon monoxide concentrations in the passenger compartments of our school buses. Our success does not minimize the importance of, or the necessity for, your legislation.

Again, your interest in behalf of all transported pupils is appreciated. Please be assured that we will contact Representative Rogers in support of your legislation.

Sincerely yours,
SAM H. INGRAM,
Commissioner,
State Department of Education.

BOARD OF EDUCATION,
Salt Lake City, Utah, June 16, 1976.

Representative EDWARD I. KOCH,
Longworth Office Building,
Washington, D.C.

DEAR REPRESENTATIVE KOCH: The transportation specialist in this agency has reviewed the legislation you have introduced amending the Clean Air Act requiring the EPA to establish acceptable carbon monoxide levels in school buses and testing to ensure compliance (H.R. 12954).

We have no comments on suggestions for revisions except to say that in our opinion the legislation is needed and we can support your efforts.

Sincerely,
CHARLES P. LLOYD,
Administrator,
External Support Services.

DEPARTMENT OF PUBLIC HEALTH,
Nashville, Tenn. July 8, 1976.

HON. EWARD I. KOCH,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Members of my staff have reviewed the legislation you have introduced in Congress to amend the Clean Air Act to require EPA to establish acceptable carbon monoxide levels for the interior of school buses and other vehicles and to provide for semiannual testing to insure compliance.

They feel that while this may currently be a problem in certain situations, the cost of the equipment involved to obtain accurate data would make this approach prohibitive. An alternate approach would be to require the manufacturers to develop a manifold system that insures minimal carbon monoxide exposure to the vehicle occupants and to check these exhaust systems on a periodic basis.

It is my understanding that a number of small planes currently use waste heat from the manifold to warm cabins. As far as I know, no problems have developed from this system because of the required periodic manifold inspection. I feel certain that the CAB and FAA could provide details on this system.

I wish to express my appreciation for the opportunity to comment on your legislation. I, like yourself, am extremely interested in the safety of our school children and other citizens in passenger hauling vehicles.

Sincerely yours,
EUGENE W. FOWINKLE, M.D.,
Commissioner.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL,
Columbia, S.C. May 19, 1976.

Hon. EDWARD I. KOCH,
The House of Representatives,
Washington, D.C.

DEAR MR. KOCH: The South Carolina Department of Health and Environmental Control does support your amendment to the Clean Air Act and I have directed a letter to Representative Paul Rogers to this effect.

Sincerely,
E. KENNETH AYCOCK, M.D., M.P.H.,
Commissioner.

DEPARTMENT OF HEALTH,
New York, N.Y., May 25, 1976.

Re H.R. 12954.
Mr. VICTOR BOTNICK,
New York, N.Y.

DEAR MR. BOTNICK: It is our opinion that H.R. 12954, introduced by Congressman Koch, has merit and will receive the support of this Department.

We appreciate the Congressman's interest in public health matters, and the commendable fact finding work undertaken by you to identify this particular health problem.

Very truly yours,
RAYMOND SIEDERMAN,
Deputy Assistant Commissioner,
Environmental Health Services.

DEPARTMENT OF HEALTH AND WELFARE,
Concord, N.H., June 1, 1976.

Hon. EDWARD I. KOCH,
Representative in Congress,
Washington, D.C.

DEAR SIR: I am enclosing a copy of the Rules and Regulations for School Transportation by the State of New Hampshire Department of Safety, Division of Motor Vehicles, Concord. Within this publication you will find the rules and regulations governing school bus inspection and compliance. Because of the rigid attitude of the Department of Safety we have never received a report of excessive carbon monoxide fumes within a school transport vehicle.

The seriousness of this problem in other areas of the country cannot be questioned in light of the correspondence you have documented as originating from Washington, D.C. and New York City. Protection of the physical and mental well-being of our children is a prime priority for all. It is heartening to find that you share this philosophy.

Sincerely,
MAYNARD H. MIRES, M.D., M.P.H.,
Director of Public Health Services.

[New Jersey State Department of Health]
COMMENTS RE: H.R. 12954

It is our consensus that subject bill deserves New Jersey's full support to the extent that it would ensure that our school buses would not present an unnecessary threat of carbon monoxide poisoning to the estimated 126,000 children using them daily. This is

particularly true since studies have shown that there need not be any measurable carbon monoxide level in a properly maintained school bus.

In his understandable attempt to gain support for H.R. 12954, however, Congressman Koch has made several statements which deserve further study, namely, that no Federal monies would be required to implement this amendment to the Clean Air Act, that the portable equipment to monitor carbon monoxide is inexpensive and that the test takes less than a minute. He notes that the cost of monitoring bus interiors for carbon monoxide would be borne by local and state governments, becoming an integral part of other periodic inspections now required for school buses. The portable equipment required for measuring carbon monoxide, which he notes is inexpensive, costs $975.00 per unit and, additionally, the catalytic cell, which needs replacement periodically with use, costs about $100.00.

Of even greater significance, while it is true that reading the monitoring instrument would indeed take less than a minute, the reading obtained at an inspection station would be meaningless, and give false security, unless road conditions were simulated at the inspection station prior to taking a reading. This implies that the engine should be left running for a reasonably long time (e.g. 30 minutes) to allow possible seepage of carbon monoxide through the floor boards and through poorly maintained doors and windows, with all doors closed. Simulating road conditions prior to taking a carbon monoxide reading would involve considerable man hours and additional costs to local and state governments. Actually, a more realistic approach to monitoring school buses for carbon monoxide would be to test under actual use conditions, as was done by Mr. Victor Botnick, Congressman Koch's aide, in his survey of New York City buses.

In short, we favor the concept of freeing our school buses of any threat to the children or drivers using them from carbon monoxide but the funding of the man hours and the equipment required to do the job right should not be wished on state and local governments by the simple mechanism of stating that "the equipment is inexpensive and the test takes less than a minute."

DEPARTMENT OF EDUCATION,
Baton Rouge, La., June 1, 1976.

Hon. EDWARD I. KOCH,
U.S. Congressman,
New York, N.Y.

DEAR CONGRESSMAN KOCH: This is regarding your letter of May 7, 1976 concerning the existence of carbon monoxide in school buses.

We are happy to learn that you have introduced legislation in Congress to amend the Clean Air Act to require the Environmental Protection Agency to establish acceptable carbon monoxide levels for the interior of school buses and other vehicles and to provide for semi-annual testing to insure compliance. Legislation in this area is probably overdue.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

JOHN A. DEBARGE,
State Supervisor, School Transportation.

DEPARTMENT OF
EDUCATION AND CULTURAL SERVICES,
Augusta, Maine, May 28, 1976.

Representative EDWARD I. KOCH,
Congress of the United States,
Washington, D.C.

DEAR REPRESENTATIVE KOCH: We in the State of Maine share your concern for the presence of carbon monoxide gases in the passenger compartment of a school bus.

It would appear that legislated exhaust system design changes will not insure carbon monoxide free school buses once they have been in operation a short time.

Because of this hazard, the exhaust system, floor plates, and the emergency door gaskets receive special attention during the four safety inspections each school bus receives during the school year.

It is our thinking that exhaust system maintenance is more important than design changes because of the route the system must follow from the front to the rear of most school buses.

Thank you for bringing this problem to our attention.

Sincerely,

H. SAWIN MILLETT, Jr.,
Commissioner.

DEPARTMENT OF TRANSPORTATION,
Wethersfield, Conn., May 25, 1976.

Re: Proposed Legislation to Establish Carbon Monoxide Standards for Vehicle Interiors (H.R. 12954).

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Commissioner James F. Shugrue has asked me to thank you for your letter of May 7, 1976, concerning the subject legislation.

The Connecticut Department of Transportation is certainly in favor of legislation insuring that significantly high levels of carbon monoxide would not be exceeded in school buses. We therefore support H.R. 12954.

However, enforcement of this type of vehicle inspection would probably be the responsibility of the Department of Motor Vehicles. I am forwarding a copy of your proposed bill to Commissioner Stanley Pac of the Connecticut Motor Vehicle Department for his information.

Very truly yours,

HAROLD F. HEINTZ,
Deputy Commissioner, Bureau of Planning and Research.

DEPARTMENT OF MOTOR VEHICLES,
Wethersfield, Conn., May 27, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: The concern you have expressed in your letter, 5-7-76, regarding the danger emanating from carbon monoxide infiltrating the interior of school buses is well taken.

I have for a long time been apprehensive at the presence of exhaust gases in both school buses and transit buses. Of course, the the danger posed by transit buses is more of a nuisance inasmuch as they are generally powered by diesel systems.

On behalf of the State of Connecticut I wholeheartedly support your efforts to place some protective legislation in place. Without waiting for additional legislation we will conduct test studies on our own.

Sincerely,

STANLEY J. PAC.

DEPARTMENT OF EDUCATION,
Tallahassee, Fla., May 20, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thanks for your letter of May 7, 1976, and the copy of your bill H.R. 12954 relating to carbon monoxide in the passenger compartment of school buses. I share your concern about the potential hazards to the health of school children from carbon monoxide intrusion in school buses. We have not had a reported incident of children showing symptoms of exposure to carbon monoxide on a Florida school bus. However, the results of a study made in a neighboring state revealed the problem was created by a combination of inadequate maintenance of school bus exhaust systems and failure to maintain adequate seals around emergency doors and at cowl openings. Florida statutes require that all public school buses be inspected at least once each month. The exhaust system and body seals are two of the many components inspected.

In that your staff reported finding a substantial number of buses with carbon monoxide in the passenger compartment we plan to begin a program of checking the level of carbon monoxide in a representative number of school buses as they arrive at schools to determine if we have a problem and if so, the extent of the problem.

Because of our warm climate Florida school buses operate most of the time with open windows. A requirement for "over the bus roof" exhaust systems may increase the potential for carbon monoxide and other exhaust gases entering the passenger compartment. I suggest that The Environmental Protection Agency or The Department of Transportation may find it feasible to conduct a study to determine the design of school bus exhaust systems that will provide adequate protection of students at reasonable purchase and maintenance cost.

I appreciate your interest in the safety of school students.

Sincerely,

RALPH D. TURLINGTON.

DEPARTMENT OF HEALTH AND WELFARE,
Boise, Idaho, May 19, 1976.

Representative PAUL ROGERS,
Chairman, Subcommittee on Health and the Environment, Washington, D.C.

DEAR REPRESENTATIVE ROGERS: This letter is written in support of Mr. Edward Koch's bill (H.R. 12954) concerning the requiring of EPA to draft regulations for carbon monoxide in the interior of school buses.

Tests have been run on several school districts' buses in Idaho from time to time, but not on any regular basis. In almost every series of tests a significant number of buses were found with excessive levels of carbon monoxide. This concentration was usually caused by faulty exhaust systems and/or excessive wear on the seals of the rear emergency door.

Since most school buses' front doors can only be locked from the inside, it is common practice for drivers to lock the door and exit through the rear emergnecy door. This can cause the seals around the rear doors to become inefficient and allow CO to leak into the bus. Periodic inspections and testing of buses should be required.

Sincerely,

BRUCE BERGESON,
Supervisory Environmental Quality Specialist.

THE CAMBRIDGE HOSPITAL,
Cambridge, Mass., July 11, 1976.

Hon. EDWARD I. KOCH,
Member of Congress,
Washington, D.C.

DEAR REPRESENTATIVE KOCH: I am writing to urge adoption of the amendment H.R. 10498 re carbon monoxide control in school buses.

I do so as a pediatrician, writes on health care of children (see, e.g., Child Health Encyclopedia-Boston Children's Medical Center and Richard I. Fernbloom, m.d.) Delaware, 1975—chapter on Auto Safety for children), and education at Howard Medical School. This amendment is an important step in right direction to protecting children in school buses.

Sincerely yours,

RICHARD I. FERNBLOOM, M.D.

BORGESS HOSPITAL,
Kalamazoo, Mich., July 12, 1976.

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

DEAR SIR: I wish to express my support of the amendment of H.R. 10498. As a physician,

I've long recognized the occult problem of carbon monoxide poisoning in sustained use vehicles. I feel that once meaningful data has been generated concerning permissible levels of carbon monoxide, the EPA should be impowered to impose such a level as the maximum permissible. Furthermore, I feel that the states should enact testing programs to enforce these levels. It would seem logical that once the problem has been studied, means to carry out the conclusion should be provided.

Thank you for your attention.

Very truly yours,

PAUL J. HLETKO, M.D.

MEDICAL ASSOCIATES, P.A.,
Dover, N.J., July 12, 1976.

Hon. EDWARD I. KOCH,
Member of Congress,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I have recently become aware of your Bill in Committee to study the problem of carbon monoxide concentration in public conveyances. I am particularly concerned about this problem in reference to school buses.

I would like to communicate to you the feeling on the part of all the Pediatricians in this office the importance of this Bill. However, we are also aware of an amendment No. HR10498 which would put teeth in the Bill in terms of provisions for action in questionable situations. Please be advised that we are wholeheartedly in favor of this and would like to express our support in this matter.

Very truly,

HAROLD KRATKA, M.D.

SCHOOL DISTRICT 742,
St. Cloud, Minn., July 15, 1976.

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

Hon. EDWARD KOCH: Please accept this letter as support for the adoption of amendment to H.R. 10498.

Regular and thorough inspection of high use vehicles by the public is a must. It is long overdue. No one deserves to be exposed to neglectful hazards such as CO poisoning while riding taxis, public or school buses.

Sincerely,

PAUL J. ROONEY,
Director, Office of Safety Programs.

PHYSICIANS FOR AUTOMOTIVE SAFETY,
Irvington, N.J., July 11, 1976.

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

DEAR MR. KOCH: For the past ten years Physicians for Automotive Safety has been involved in efforts to upgrade school buses to protect the young passengers.

One area of deep concern is the level of CO within passenger compartments of school buses. Confirmed episodes of CO poisoning have been reported in Seattle, Washington and Denver, Colorado.

Probably of even greater concern, however, is the chronic absorbtion of CO at subacute concentrations by children who ride the same school bus every school day. Since school buses have an average lifetime of over 10 years, their maintenance is spotty, loadings can reach 100 and trips may last over an hour, the effects of such long term inhalation has never been satisfactorily determined.

It is our hope that the study proposed in the amendment to the Clean Air Act will determine what level of CO is safe as well as establish reasonable field and construction procedures to assure that these levels are not exceeded.

It is my understanding that as originally proposed, within one year, the promulgation of a pertinent standard would be required. Unfortunately this requirement for action, after study, has been deleted in committee. This must not be allowed to happen. The track record for standards in school buses has been dismal. Although empowered by Congress since 1966 to write standards, and in spite of countless studies, only 1 standard (for window retention) has been produced by DOT's NHTSA in 10 years. Additional standards, 1 in effect now 3 more to take effect in the Spring of 1977, will become operative only because the date was set by Congress in the Motor Vehicle and School Bus Safety Amendments of 1974.

I am convinced that only with a required date for promulgation in the legislation will any change in CO protection for children occur. Any effort on your part to achieve such amendments has our wholehearted support.

Sincerely,

ARTHUR L. YEAGER, D.D.S.

THE INSTITUTE FOR SAFETY ANALYSIS,
Westerville, Ohio, June 9, 1976.

Congressman EDWARD KOCH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: In reference to the article which appeared in the June 1 issue of the National Enquirer with regard to the dangers of carbon monoxide poisoning, please be advised that your concern is well founded.

As former Chief of Pupil Transportation (retired) for the State of Ohio, we lived aware of this deadly potential for many years.

Though inspection programs by the Ohio State Highway Patrol helped control the danger to some extent, keeping tabs on 12,000 school buses was a demanding task.

Since leaving the state service, I have become a full-time safety consultant in the field of school transportation.

One of the projects implemented in Preble County (Ohio) Schools was installation of carbon monoxide detectors on every school bus in Preble County.

The small ceramic wafer simply changes color when carbon dioxide is present. Drivers check the detectors continually.

Just thought you would be interested. For further information you may wish to contact Mr. John Black, Jr., County Superintendent of Schools, Court House, Eaton, OH 45320. A sample of the carbon dioxide detector is enclosed.

Sincerely,

HANFORD L. COMBS,
Vice President, TISA, Director, School Transportation Safety and Management Division.

DEPARTMENT OF HEALTH,
Sacramento, Calif., June 9, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR MR. KOCH: Thank you for calling to our attention your legislative proposal H.R. 12954 for requiring inspection and compliance monitoring for carbon monoxide in school buses.

This department has long been concerned with vehicular carbon monoxide and its health effects. Doctor John R. Goldsmith, Medical Epidemiologist, and his colleagues were among the first to call attention to the relationship of carbon monoxide exposure to heart and vascular disease. A copy of a recent review is enclosed.

We favor the establishment of acceptable levels and of inspection and enforcement which assure compliance. Not only can such a program prevent acute effects which may reach tragic proportions, but the long-term effects, about which little is known, would also be prevented.

I am sending copies of this letter to the California Congressional Delegation.

Sincerely,

JEROME A. LACKNER, M.D.,
Director of Health.

PORTLAND, OREG., *July 12, 1976.*

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

The amendment of H.R. 10498 is extremely important for the health of our children. Carbon monoxide that leaks from motor vehicles could cause increased damage to children due to their higher respiratory rate. The EPA must promulgate a standard for maximum permissible carbon monoxide levels in motor vehicles. As a pediatrician, I hope you will do everything possible to insure the passing of this amendment.

MARVIN ROSEN, M.D.

AMERICAN ACADEMY OF PEDIATRICS,
Greenfield, Mass., July 9, 1976.

Hon. EDWARD I. KOCH,
Washington, D.C

DEAR MR. KOCH: I have just received notice of H.R. 10498 and word of your amendment are standards for maximum permissible "CO" levels in "sustained use" motor vehicles—plus testing programs and monitoring plans. Time limits and weekend office constrictions require I pen this brief note to you. We support H.R. 10498 and the amendment.

MERRITT B. LOW, M.D.

MOUNT KISCO, N.Y., *July 16, 1976.*

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

DEAR REPRESENTATIVE KOCH: I am writing this letter in support of your bill ordering an investigation into carbon monoxide levels in school buses and other vehicles of "sustained use". I am glad to see that someone is taking action, as this is an important area that is much neglected.

I want to support your efforts introducing this piece of legislation. However, more importantly, I would urge strongly the passage of the amendment of HR 10498. This amendment is vital, since it would go further to remedy a problem than merely studying it. I think that this amendment is important since it would require that:

1. The EPA promulgate a standard for maximum permissible CO levels in "sustained use" vehicles; and

2. States establish testing programs to be approved and monitored by NHPSA to insure that the levels are not exceeded.

I think that the amendment is vital to implement the study and make the effort worthwhile. The problem is particularly acute regarding school buses. These vehicles are often used for many years, when the bodies are already deteriorated. In school buses, the possibilities of CO inhalation is greately increased. Moreover, children, with their naturally higher respiratory rates than adults, and their excitment to and from school, are exposed to greater dangers. Let me note that we have little information on safe tolerance levels to CO. However, there is considerable medical concern that prolonged exposure to even low levels of CO may be cumulative, and therefore not manifest themselves for years. In other words, without precise information as to safe tolerance levels, our role should be a conservative one: to insure that children are protected from even minimal degrees of inhalation.

Sincerely yours.

HOWARD D. KIBEL, M.D.

Mr. LONG of Maryland. Mr. Speaker, after several instances of carbon monoxide related illness of passengers traveling in sustained-use vehicles, it is time we insured those passengers that they are being protected from the effects of this noxious gas.

Because of this concern I am cosponsoring Congressman KOCH's carbon monoxide floor amendment to H.R. 10498, the

Clean Air Act amendments, which would require the Environmental Protection Agency to establish acceptable carbon monoxide levels for the interior of vehicles such as taxicabs, patrol cars, and schoolbuses.

Carbon monoxide is an invisible killer which resulted in the death, last fall, of one Baltimore policeman and the serious illness of another. According to the public information officer at Lutheran Hospital, Officer Edward S. Sherman died September 14, 1975, because of the effects of carbon monoxide poisoning caused by a faulty exhaust system. Less than 1 month later, Officer Anthony LaMartina was hospitalized for the same ailment.

This measure is also designed to protect this Nation's 21 million school children who are bused over 2 billion miles each year in 310,000 vehicles. This year, there were approximately 64,635 children in Baltimore County alone who rode over 7 million miles to and from school.

In a recent letter to me, the Maryland Motor Vehicle Administration, which handles bus inspections for the State, suggested that a test for carbon monoxide within the routine inspections would be feasible:

> . . . we feel that such a test would be feasible; however, the presence of variables in the test procedures have probably been responsible for the absence of a uniform standard.
>
> We are, however, forwarding our file in this matter to the National Highway Traffic Safety Administration for their comments.
>
> We will be pleased to keep you apprised of any action this Administration may take in this matter in the future.

This measure could significantly reduce the carbon monoxide death toll of 500 victims a year through public education and safety testing. We must provide the agencies responsible for vehicle inspection with test procedures and uniform standards with a view to eliminating carbon monoxide-related illness.

GENERAL LEAVE

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and include therein extraneous material, on the subject of the special order today of the gentleman from New York (Mr. KOCH).

The SPEAKER pro tempore (Mr. LLOYD of California). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROVIDING FOR THE INCLUSION OF CERTAIN ECONOMIC AND SOCIAL STATISTICS FOR ASIAN PACIFIC ISLAND AMERICANS IN THE DECENNIAL CENSUS TABULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, today I am introducing legislation which will improve the enumeration and data collection procedures to be used in the 1980 census with respect to Asian and Pacific island Americans. Similar in function and intent to Public Law 94–311, formally known as House Joint Resolution 92, my proposal would require the Departments of Agriculture, Commerce, Labor, and Health, Education, and Welfare to gather and publish regularly statistics on Asian and Pacific Island American ethnic groups in the United States for those States with localities containing significant populations of Asian and Pacific island Americans. These States would include but would not be limited to Hawaii, Alaska, California, New York, Washington, and Illinois.

In addition, this legislation would encourage the Bureau of the Census to establish immediately a formal advisory group, similar to the black and Hispanic advisory groups already established in the Bureau of the Census, for Asian and Pacific island Americans. This group, which would be representative of the ethnic, geographic, and economic distribution of the Asian and Pacific island American population in the United States, would be authorized to make specific recommendations to the Bureau of the Census with regard to amending census enumeration and data collection procedures effective with the 1980 census.

Mr. Speaker, in Hawaii, Alaska, California, New York, Illinois, and a few other States, there is a real problem of identifying the population and detailed characteristics of the Asian and Pacific island American ethnic groups. In Hawaii, for example, the census data are tabulated on the basis of "white," "black," "Spanish-speaking," and "others." However, the tabulations have shown that in Hawaii, there are 39 percent white, less than 1 percent black, and the rest, over 60 percent, are "others," which makes the third category meaningless for all but the most general planning purposes in Hawaii. We find that we are at quite a disadvantage in trying to request and implement funding from various Federal programs due to the absence of detailed census data for Asian and Pacific island Americans in Hawaii. The problem for other States such as California, New York, Illinois, and Washington is not as definitive. However, the nonenumeration of data relating to Asian and Pacific island Americans in the other States remains a significant problem for these ethnic groups.

Currently, the U.S. Bureau of the Census does not publish a single volume of census data for general distribution which provides detailed characteristics on Asian and Pacific island Americans by local planning areas such as census tracts, places of 2,500 to 10,000 in population, or by counties for any State in the Union. However, it is my understanding that such detailed census data on at least the major Asian and Pacific island ethnic groups are collected by the Bureau of the Census in its regular decennial census. Such detailed characteristics are essential for the proper delineation of certain social, cultural, economic, health, and other problems, which in many instances are endemic to Asian and Pacific island ethnic groups. Furthermore, in view of the dramatically increased immigration to the United States from Asia in the last 20 years, particularly from Korea, the Philippines, South Vietnam, and Laos, and from American Samoa, such delineation is critical to the appropriate allocation of Federal, State, and local resources to meet this new and increasing demand for services. The 1970 census tabulations have indicated a general population of 2.25 million Asian and Pacific island Americans in the United States. However, reliable estimates project a doubling of that population by 1980 due to the heavy influx of Asian and Pacific island immigrants to the United States since 1970.

Available data for large cities, standard metropolitan statistical areas, and large geographical regions of the country have outlined in rough figures the needs of the Asian and Pacific island American population in the United States with respect to their elderly, their occupational status and rates of unemployment, their health, welfare, housing, and education status, and their need for bilingual community services. The needs for such services by Asian and Pacific island American communities are comparable to the needs of the black and Hispanic communities in the United States. However, Asian and Pacific island American ethnic groups are unable to obtain adequate assistance from Federal, State and local social service programs due to the absence or incompleteness of planning data on which they must base their request for such services.

In addition, it is my understanding that for a number of reasons, previous censuses did not adequately tally the total populations of the nonwhite ethnic groups in America, including the Asian and Pacific island American ethnic groups. This underenumeration must be corrected in the 1980 census in order to provide for a more equitable and appropriate distribution of Federal, State, and local resources, much of which is allocated on a population formula basis to segments of the American population known to be in great need of such services; namely, our ethnic minorities.

Mr. Speaker, I understand that proposed revisions in the enumeration and data collection procedures used in the 1970 census are currently being tested by the Bureau of the Census for the purposes of the 1980 census. I understand further that revision of the Bureau's computer programing for data collection and enumeration in the 1980 census will be completed in the spring of 1977, at which time the programing will be "locked in," preventing any further revisions. The need for consideration and passage of this legislation in the 94th Congress is therefore extremely important to the Asian and Pacific island American community. I strongly urge my colleagues to thoughtfully consider my proposal and work for its passage in the 94th Congress. At this point Mr. Speaker, I insert the text of my proposal:

H.J. Res. 1034

Joint resolution relating to the publication of economic and social statistics for Americans of East Asian or Pacific Island origin or descent

Whereas more than 2.25 million Americans identify themselves as being of East Asian or Pacific Island background and trace their

origin or descent from the East Asian Continent or the Pacific Islands; and

Whereas these Americans of East Asian or Pacific Island origin or descent have made significant contributions to enrich American society and have served their nation well in time of war and peace; and

Whereas a large number of Americans of East Asian or Pacific Island origin or descent suffer from racial, social, economic, and political discrimination and are denied the basic opportunities they deserve as American citizens and which would enable them to begin to lift themselves out of the poverty many of them now endure; and

Whereas improved evaluation of the economic and social status of Americans of East Asian or Pacific Island origin or descent will assist localities, States, the Federal Government and private organizations in the accurate determination of the urgent and special needs of Americans of East Asian or Pacific Island origin or descent; and

Whereas the provisions and commitment of Local, State, Federal and private resources can only occur when there is an accurate and precise assessment of need: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Department of Labor, in cooperation with the Department of Commerce, shall develop methods for improving and expanding the collection, analysis, and publication of labor force characteristics relating to Americans of East Asian or Pacific Island origin or descent for those states with localities containing significant populations of East Asian or Pacific Island Americans.

SEC. 2. The Department of Commerce, the Department of Labor, the Department of Agriculture, and the Department of Health, Education, and Welfare shall each collect, and publish regularly, statistics which indicate the social, health, and economic condition of Americans of East Asian or Pacific Island origin or descent for those states with localities containing significant populations of East Asian or Pacific Island Americans.

SEC. 3. The Director of the Office of Management and Budget, in cooperation with the Secretary of Commerce and with the heads of other data-gathering Federal agencies, shall develop a Government-wide program for the collection, analysis, and publication of data with respect to Americans of East Asian or Pacific Island origin or descent for those states with localities containing significant populations of East Asian or Pacific Island Americans.

SEC. 4. The Department of Commerce, in cooperation with appropriate Federal, State and local agencies and various population study groups and experts, shall immediately undertake a study to determine what steps would be necessary for developing creditable estimates of undercounts of Americans of East Asian or Pacific Island origin or descent for states with localities containing significant populations of East Asian or Pacific Island Americans.

SEC. 5. The Secretary of Commerce shall ensure that, in the Bureau of the Census data-collection activities, the needs and concerns of the East Asian or Pacific Island origin population are given full recognition through the use of East Asian or Pacific Island language questionnaires, bilingual enumerators, and other such methods as deemed appropriate by the Secretary for states with localities containing significant populations of East Asian or Pacific Island Americans.

SEC. 6. The Department of Commerce shall implement an affirmative action program within the Bureau of the Census for the employment of personnel of East Asian or Pacific Island origin or descent and shall submit a report to Congress within one year of the enactment of this Act on the progress of such program.

AGE DISCRIMINATION IN EMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 10 minutes.

Mr. PEPPER. Mr. Speaker, I am today introducing a bill that will have a definite positive effect on the securement of jobs for the American people.

Recently, my State of Florida enacted legislation which prohibits age discrimination in public service employment. This new law adds teeth to a previous law setting forth public policy in this area.

The Florida law, while limited to public employees, goes beyond the Federal Age Discrimination in Employment Act in at least one major aspect. The Florida law has no upper age limit, while the Federal law prohibits such discrimination against persons only up to age 65. The Florida law eliminates a previously existing mandatory retirement age of 70 for public employees. In the Federal civil service, employees are generally forced to retire at age 70. A total of 11 States prohibit age discrimination against State employees without an upper age limit. Now seems the time for the Federal Government to follow the lead of these States by prohibiting mandatory retirement and other forms of age discrimination against Federal workers aged 65 and over.

The following are some of the reasons I oppose mandatory retirement and am introducing this legislation:

Compulsory retirement is contrary to equal employment opportunity. We have made strides in equal opportunity for minorities and women; now it is time for the same equality of opportunity to be afforded to the aged.

Chronological age alone is a poor indicator of ability to perform a job. Many workers can and do continue to work effectively beyond age 65.

Compulsory retirement often results in loss of role and income for individuals, and the American Medical Association believes that arbitrary retirement because of age alone seriously threatens the health of the individual concerned.

Compulsory retirement also causes loss of skills and experience from the work force.

These are some of the reasons that I have opposed discrimination in employment because of age. I am now the cosponsor of pending legislation which would eliminate the upper cutoff age of 65 in the current Age Discrimination in Employment Act, for workers in private as well as public employment. Sixteen States now have laws prohibiting age discrimination without an upper age limit.

Pending the enactment of this broader legislation, I think the Federal Government should lead the way and enact legislation like the bill I am introducing today which would eliminate discrimination in Federal employment for persons of all ages.

The bill follows:

H.R. 14879

A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such Act shall be covered under the provisions of such Act regardless of their age

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That section 12 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631) is amended—

(1) by striking out "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the"; and

(2) by adding at the end thereof the following new subsection:

"(b) The provisions of subsection (a) shall not apply to any employee or applicant for employment described in section 15 of this Act.".

SEC. 2. Section 15(a) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(a)) is amended by adding at the end thereof the following new sentence: "The provisions of section 12(a) of this Act shall not apply to any employee or applicant for employment who is involved in any personnel action which is subject to the provisions of this subsection.".

SUMMARY OF GAO REPORT EVALUATING ERDA'S SAFEGUARDS SYSTEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 30 minutes.

Mr. DINGELL. Mr. Speaker, last Friday, the General Accounting Office submitted to my Small Business Subcommittee on Energy and Environment a classified report entitled "Shortcomings in the Systems Used to Control and Protect Highly Dangerous Nuclear Materials—Energy Research and Development Administration." This 81-page report is the result of an 18-month study conducted by the GAO on ERDA's security systems.

Because the House is scheduled to consider the Nuclear Fuels Assurance Act tomorrow, which would increase the quantities of special nuclear materials available, and because this report raises serious questions regarding the effectiveness of existing security and accountability systems, I have had the subcommittee staff prepare a summary which I ask be inserted into today's RECORD so that the information can be available to the Members by tomorrow in time for their consideration of H.R. 8401.

I believe the information contained in this report warrants that the Members carefully consider security implications of this legislation until ERDA can implement the GAO's recommendations and demonstrate that it can adequately protect the amounts of special nuclear materials already in existence in the United States.

I am inserting in the RECORD a subcommittee staff summary of a General Accounting Office classified report entitled "Shortcomings in the Systems Used to Control and Protect Highly Dangerous Nuclear Materials—Energy Research and Development Administration." The report was submitted to the Subcommittee on Energy and Environment of the House Small Business Committee on Friday, July 23, 1976. As a summary, it is only intended to highlight the issues raised in the report and thus contains only a few of the examples found in the full report, which was undertaken by GAO as a re-

sult of a December 30, 1974 request from Subcommittee Chairman DINGELL.

Since the GAO report is classified, all references to specific locations and precise quantities have been deleted. It is hoped, however, that these deletions do not in any way minimize the magnitude or gravity of the deficiencies in ERDA's accountability and physical security systems as revealed by the GAO report.

Following the staff summary is an unclassified GAO digest of its recommendations.

The staff summary is as follows:

STAFF SUMMARY

Due to this nation's increasing use of nuclear energy, large quantities of special nuclear materials (SNM) are being produced and processed by both the government and private industry. SNM is plutonium and enriched uranium which can be used as fuel for nuclear reactors and in nuclear weapons. Because of the strategic importance of SNM and the catastrophic consequences that can result from even a single threat of a bomb quantity, (17 kilograms or 37 pounds of enriched uranium, 6 kilograms or 13 pounds of plutonium), it is imperative that such materials be adequately protected so that thefts cannot occur.

The Energy Research and Development Administration (ERDA) relies upon two methods to detect and prevent the theft of SNM. First, quantities are continually audited throughout processing to detect if any amounts are missing. The system is basically a simple accounting procedure where the quantity is weighed at the initiation of process, at various stages of the process, and then at the end, when it is marked and kept in storage. Continuing accounting practices then identify the amount of SNM in storage. Thus, if a measurement at any stage of the audit disclosed that there is less SNM at the end of that stage of the processing than at the beginning, there is a possibility that material is missing and an effort is undertaken to account for it.

Unfortunately, SNM has certain characteristics which reduce the reliability of this system. To begin with, this material audit must consider the physical, chemical, and radiological properties of SNM. This is very difficult because existing measurement equipment cannot produce precise or uniform result. Furthermore, some quantities of SNM become caught in the pipes, filters, and machinery and thus cannot be accurately determined unless the entire process is dismantled and cleaned, thereby disrupting production, and the recovered quantities weighed, a more complicated process than it seems. Some quantities may decay or decompose. As all of these factors must be included in the accounting of these materials, the amount at the end of the process is going to be less than the amount at the beginning. To explain this discrepancy, the agency has devised a term called "material unaccounted for" (MUF), which simply means that the quantity is mathematically missing.

The GAO questioned MUF's imprecision. It was discovered that the reliability of existing measurement systems vary. A reactor fuel scanner has an accuracy of 99.5% and the current state of the art precludes more precise measurements. Additionally, there is no way to accurately measure the quantities of SNM retained in the processing equipment. As a result of these and related accounting problems, including simple clerical error, the MUF figure may fluctuate between a positive and negative value during periodic reporting cycles.

Because of the nature and number of the uncertainties in the measurement instruments, it is seriously questioned if the MUF figures or the accountability systems that generate them can give ERDA reliable indications of whether bomb quantities of SNM have been lost or stolen. (pg. 7). Furthermore, because MUF can fluctuate from a positive to negative value from one period to the next, the usefulness of the data is of doubtful validity and therefore the value and dependence placed upon MUF as a theft indicator by ERDA should be challenged.

The GAO also found two consequences of this inherent imprecision. The report states that, "One of the effects of these imprecisions on the safeguard system is that management may not be immediately concerned with a significant MUF because it is more than likely to be caused by measurement imprecisions than theft." (pg. 8). More importantly, the GAO concluded that, "ERDA's existing SNM accountability system may identify a problem area, but does not necessarily isolate its cause. A complete assessment to identify the cause of a problem may require a time consuming and costly analysis. It can take days, weeks, or even months to resolve." (pg. 11).

Timeliness of detection is another vitally important factor. The report points out that, "In an SNM safeguards environment, hours and even minutes are critical." (pg. 12). However, "quantitative determinations of accumulated material shortages are not made until physical inventories are taken, and the frequency of such inventories range from months at some facilities to yearly at others. Thus, timely response and recovery actions are precluded." (pg. 10). ERDA requires only annual physical inventories.

The report contains some examples of each of these deficiencies. In one case ERDA could not locate over a half kilogram of plutonium for three months before it was found. In another case, a much smaller quantity was noted missing over one year ago, and still has not been located. However, the agency concluded that because it was stored in a large drum and the material was dispersed throughout the drum in packaging material, it could only be removed by vehicle and a crack of vehicle monitors failed to show any evidence of such removal. Therefore, ERDA concluded it was not stolen. (pg. 11).

ERDA asserts that it recognizes the deficiencies of this system and in 1968 initiated a research and development program aimed at improving the state of the art of the instruments used to measure and record nuclear materials. For fiscal year 1976, ERDA had 11 research and development projects funded at about $2.1 million and plans to spend an additional $17.6 million through 1981 for such improvements. Additionally, the agency has devised a material balance accounting system (MBA) which is designed to measure the quantities of materials in specific areas of the plant frequently monitor these measurements to provide more timely information. This system is presently in operation in two of the agency's 34 contractor facilities. Furthermore, it should be noted that the successful effects of these research efforts will take years to complete and implement.

The GAO report contains the accumulated MUF figures for each ERDA facility. In evaluating these figures it must be remembered that some date as far back as 1948 and that until 1966 there was little concern for material accountability. More stringent requirements were imposed in 1972, which the agency states is when it became seriously concerned with the threat of a terrorist attack. It should also be noted that it only requires 17 kilograms (36 pounds) of enriched uranium or 6 kilograms (13 pounds) of plutonium to make a nuclear device. It should also be noted that some of the individual totals include significant quantities of non-weapons grade uranium. Because enriched uranium is traditionally measured in terms of kilograms (2.2 pounds), and plutonium in terms of grams (.035 ounces), the fact that the cumulative MUF amounts to tens of tons indicates the magnitude of the problem. Despite the enormity of these totals, ERDA confidently asserts that no significant or bomb quantity has been stolen, and they believe that only grams have actually been removed.

Recognizing these deficiencies, ERDA continues to rely on MUF as a means of detecting a potential theft and asserts that it is still an important safeguards mechanism. They state that the system has been refined by establishing control ranges based on each facility's historical experience to alert contractors when MUF reaches a level warranting investigation. They have also asserted that knowledge that SNM is being controlled through an accountability system acts as a psychological deterrent to potential thieves.

In view of the GAO's perceived inadequacies of the material accountability system, physical security measures assume greater importance. Unfortunately, the GAO found numerous deficiencies and concluded that until they were corrected, ". . . we believe ERDA's contractor physical security systems are inadequate." (pg. 19).

The range of deficiencies revealed in the GAO report is extensive. The report found in some instances that even minimal and basic security precautions had not been taken. Alarms and steel mesh guards for windows and doors which were within 18 feet of ground level had not been installed. SNM detection devices had not been installed on some doors to certain plutonium-processing buildings. Guard posts did not meet ERDA standards for strength and bullet resistancy, plutonium scrap was being stored within 15 feet of unalarmed security fences and cargo containers were locked with padlocks.

In one instance the GAO found a 10 exit building which was alarmed only during one shift. In another case, there was only one SNM detector at the guardhouse exit, but the building was very close to the fence line. It is obvious that someone could just walk out of the building, throw the SNM over the fence, walk through the monitors at the guardhouse gate, and pick up the material outside the perimeter fence.

The GAO found repeated violations of ERDA's own standards. For example, doorway detection devices can only determine that SNM is passing through a doorway, but cannot determine the quantity. Therefore, someone with authority to transport SNM could carry an additional amount through the doorway. In such circumstances, ERDA requires a "two-man rule". The rule states that two individuals be with the SNM when it is not in storage, so the second individual can verify the quantity. At one facility the rule was "generally not followed". GAO found that guardhouses were not constructed in a manner that complied with security requirements. It found that at parts of one facility, there was an exceedingly small chance that an attempted penetration would be detected. In another instance the report revealed that the communication system was dependent upon the telephone system and did not have a radio or alarm system. Thus, if a person called the guardhouse, whose numbers are published, and did not hang up, the guard could not effectively or promptly send messages alerting security personnel of suspicious activities or actual thefts. The GAO also found SNM storage vaults improperly constructed and observed repeated instances of significant quantities of SNM being improperly stored. In one instance the vault was unsealed. In another case it was found that an unlocked and unalarmed building containing plutonium scrap was within 15 feet of an unalarmed security fence and, during GAO's audit, it was observed to be left unattended.

The report also cites a May 1975 report from ERDA's Chicago operations office which recognizes the deficiencies of the existing system. The report states:

" . . . the requirement for protection of SNM amounts less than 2 kg pu (2 kilograms

plutonium), and 5 kg U–235 (5 kilograms uranium–235), in ERDAM (ERDA Manual) 2405 are too general and subject to widely varying interpretations and therefore, are inadequate." (pg. 28).

This summary is a review of some of the major points of the report and included herein are only a few of the examples contained in the GAO report. As such, it is designed only to provide an indication of the magnitude of the problem, so the reader can better understand the evidence supporting the recommendations of the GAO. It should also be emphasized that ERDA has corrected all the deficiencies in physical security cited in this report, but did so only after receiving a draft of the report. Furthermore, as the GAO report notes (pg. 18), ERDA's requests for funds to provide an effective system have, in the past, been significantly reduced. In 1976, ERDA requested $56.5 million for physical security improvements, but OMB reduced this request to $35.9 million and Congress appropriated only $27.8 million. Although $35.9 million was authorized in 1975, OMB denied ERDA's request for supplemental funding of $27 million to correct these facilities. The present budget includes substantial increases in ERDA's budget for such improvements and ERDA has reprogrammed available existing funds to correct deficiencies when found.

Despite these efforts, it must be recognized that serious deficiencies in both the material accountability and the physical security systems were found and that the evidence raises serious questions as to the ability of ERDA's facilities to detect and prevent a theft of bomb quantities of special nuclear materials. While it cannot be denied that ERDA has acted to correct the deficiencies in the physical security systems where they were found by the GAO, the audit involved only a few plants and the gravity and magnitude of the problem at other plants is not known. Furthermore, the new systems are unproven and their reliability has yet to be tested. Given the catastrophic consequences that can result from even a single theft of a significant, although quantitatively small, amount of special nuclear materials, the question arises if the existing systems can adequately detect or prevent theft of SNM or seizure of a plant.

The Subcommittee counsel has noted that all specific examples of deficiencies disclosed in the report are marked as "classified information" by ERDA. Thus, the agency itself has the authority to classify any information regarding its operations, including its deficiencies. In the report, the information is classified by paragraph and it is understandable when the specific location of the deficiency is identified, why the information would be classified.

However, other deficiencies concerning procedural or equipment deficiencies were also classified in circumstances where the need is not so clear and the question then arises if the agency is using its classification authority to shield itself from public criticism.

This ends the staff summary.

The attached is the General Accounting Office's unclassified digest of its recommendations:

[This is an unclassified digest furnished in lieu of a report containing classified security information.]

REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES: SHORTCOMINGS IN THE SYSTEMS USED TO CONTROL AND PROTECT HIGHLY DANGEROUS NUCLEAR MATERIAL, ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

DIGEST

With increasing reliance being placed upon nuclear-generated energy in the United States, the public must be protected against hazards that can occur from theft or unauthorized use of "special nuclear material"—the most dangerous being plutonium and enriched uranium. In addition to being suitable for the fabrication of bombs, plutonium is an extremely toxic substance, with a potential of causing cancer if inhaled, ingested, or exposed to an open wound.

Because of the importance of effective safeguards for special nuclear material to the development of the nuclear industry, the Congress should favorably consider requests of the Administrator of the Energy Research and Development Administration for funds to improve physical security systems at its facilities where special nuclear material is held.

Such materials, in the hands of malevolent individuals or groups, could be used in an explosive device or as a radioactive poison. As such, they are a potential object of terrorist groups or criminals in this country or of agents of other countries.

The potentially catastrophic consequences of even a single theft of a sufficient amount of special nuclear material makes it essential that such material be adequately protected so that thefts cannot occur.

As the manager of Federal energy research and development programs, the Energy Research and Development Administration is responsible for making sure that all nuclear materials held by facilities it sponsors are safeguarded properly against theft or unauthorized use.

The basic systems used by the Energy Research and Development Administration are:

Accountability and material control systems for detecting thefts; and,

Physical security systems to prevent or respond to thefts of unauthorized uses.

The interaction of these systems at a facility are relied upon to preclude the loss or theft of special nuclear material.

Accounting for nuclear materials is extremely complex, based on physical, chemical, and radiometric measurements. Accurate measurements cannot be obtained because of uncertainties in measurement instruments and difficulties in measuring nuclear materials held up in pipes, machinery, and filters.

As a result, discrepancies normally occur between physical and book inventories. Discrepancies which cannot be identified have been termed "material unaccounted for" which is a prime indicator of the effectiveness of nuclear materials accountability and material control systems.

The Energy Research and Development Administration has recognized the imprecisions and limitations of the accountability systems. Since fiscal year 1968, the agency has had an ongoing research and development program aimed at improving the state of the art of the instruments used to measure and record nuclear materials.

For fiscal year 1976, the agency has 11 research and development projects directed at improving the precision and timeliness of measurement instrumentation. They are funded at about $2.1 million.

Through fiscal year 1981, the agency plans to spend an additional $17.6 million for such improvements. Also the agency is developing a computerized measurement and accountability system that may permit continuous control of such material through automated recording and measurement techniques resulting in more timely special nuclear material data.

The Energy Research and Development Administration's accountability and material control system in our judgment contains vague and outdated requirements which have resulted in inconsistent inspection practices and lack of specific numerical criteria when responding to missing special nuclear material.

GAO recommends that the Administrator:

Undertake an effort to immediately update accountability and material control system requirements to reflect current needs and capabilities of today's safeguarding environment and specify the minimum acceptable levels of measurement precision that will be tolerated for facilities having special nuclear material;

Develop and implement inspection practices that eliminate existing inconsistencies and provide inspectors with uniform, well-defined guidelines explicitly distinguishing between the various special nuclear material environments; and

Develop specific numerical criteria for determining when a "material unaccounted for" becomes significant. GAO also recommends that these criteria be established as operating requirements for facilities having special nuclear material.

With the imprecisions and other limitations associated with the accountability and material control systems of nuclear materials the physical security systems take on increased significance in further attempts to make sure that nuclear material cannot be stolen.

Since fiscal year 1972, the Energy Research and Development Administration has been continually upgrading physical security systems. Recently, the agency has identified additional weaknesses in the physical security systems at its contractor facilities. These include the need for additional guards, alarms, doorway detectors, night vision devices, and improved communication equipment not yet available because funds have not been appropriated.

Other problems were identified by GAO during its review of the agency's physical security programs:

1. The Energy Research and Development Administration needs to strengthen and clarify its existing security requirements regarding the placement of special nuclear material detectors and the protection of windows to buildings having this material to allow for better protection of the material against unauthorized use.

2. The Energy Research and Development Administration has not communicated effectively to its operations offices and contractors the nature and dimensions of the threat so that they can evaluate and police the effectiveness of physical security programs.

3. Physical security requirements have not been established for unclassified special nuclear materials in quantities smaller than 5 kilograms of enriched uranium and 2 kilograms of plutonium.

GAO recommends that the Administrator should

Strengthen and clarify security requirements concerning the placement of special nuclear material detectors and the protection of windows to buildings having these materials,

Improve inspection practices by incorporating specific threat criteria in the formal management system through inclusion in the physical security manual. This will enable those possessing special nuclear material to evaluate and police their systems against an established threat and

Expedite the study of the protection needs for small quantities of plutonium and issue protection requirements to the extent necessary.

Over the past 2 fiscal years the agency has experienced substantial cutbacks in their requests for funds to upgrade existing physical security systems at its contractor facilities resulting in many of the existing problems identified during our review. In fiscal year 1975 they requested $27 million for such improvements and the Office of Management and Budget approved none of it. In fiscal year 1976, the Administration requested $56.5 million from the Office of Management and Budget of which only $35.9 million was approved. Congress later appropriated $22.8 million of that amount.

In view of the potentially catastrophic consequences of even a single theft of sufficient quantities of nuclear materials and

the possible impact such an occurrence could have on the development of nuclear-generated energy, the Energy Research and Development Administration should further emphasize to the Congress the need for providing additional funds to correct the identified physical security deficiencies. In the interim, the Administrator should give top priority to reprogramming available funds for the physical security improvements needed.

Although the Energy Research and Development Administration does not agree that the report provides a balanced, objective picture of its present capabilities to control and protect special nuclear material, GAO believes there are no residual differences on the facts contained in this report. The Administration's comments are included in appendix I.

ANOTHER EXAMPLE OF POSTAL SERVICE MISMANAGEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, in a recent meeting with constituents in Iowa, I was alerted to another example of Postal Service mismanagement, another example of poor judgment and poor solutions to our mail delivery problems.

It seems that some mail carrier's routes are being eliminated and other carriers are taking up the slack, adding to what is already a full day's workload. Moreover, apparently in an effort to make up for lost efficiency resulting from this move, the Postal Service has also directed carriers to walk across people's lawns rather than use sidewalks and streets.

The assumptions behind the Postal Service's latest "efficiency" move are deeply disturbing. Both customers and postal workers are bearing the brunt of these ill-considered policy changes with little evidence of improvement in service. U.S. postal workers have been rated the most productive of any nation's mail employees and yet they are being directed to take new and dangerous actions to meet the efficiency experts' conceptions of how the mail can best be routed.

I call these practices dangerous because of the many hidden obstacles like lawn sprinklers, toys, and garden tools, which postal workers have to cope with in the lawn-cutting maneuver. I should also cite the possible connection between over-extended mail carrier work loads and the recent death of Mr. Charles Kaup, a long-time mail carrier from Burlington, Iowa. Last month, Mr. Kaup died of a heart attack while rushing through his delivery route. Although he had told the local postmaster that he would need a few hours off to have a physical examination, his request was not granted. Mr. Kaup was stricken with the fatal attack while rushing to complete his route early so he could make an afternoon appointment for his examination.

His is a case which illustrates the fact that mail carriers can be pushed only so far. Human beings should not be systematized the way machines are. Better performance cannot be assured by setting unreasonable workloads.

Apart from the overloading of mail carriers, the practice of lawn cutting is more than an irritation to homeowners. It is a strange policy that requires Government employees to trample private property after having previously required property owners to provide a clear footpath from the street to the doorstep for mail service. That policy exposes carriers to injury. It also exposes property owners to liability for those injuries.

This sort of mismanagement is not a rare commodity in the Postal Service. Since the reorganization, the Service has presided over constantly deteriorating service, steadily rising rates, and the treatment of mail carriers as little more than walking machines. We have seen extremely expensive mail-sorting machines installed, for example, which are not as efficient as the workers they replaced. The list of foulups and misjudgments is long indeed.

I am asking the Postmaster General to provide me with a formal and detailed justification for the lawn cutting directive. I have already asked the Burlington, Iowa, postmaster to answer the charge of some employees that they have been treated with a lack of concern.

COMBATING TERRORISM

(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, as a result of an error for which I take responsibility, I am now listed as a sponsor of a bill which I would not want to sponsor in its present form. That bill, H.R. 14749, and a companion resolution, House Concurrent Resolution 680, were both introduced last week by my distinguished colleague, JACK F. KEMP. The resolution applauds Israel for its brilliant and courageous action in rescuing hostages held in Uganda, and the bill, which I had not read at the time the sponsor discussed it with me, prescribes U.S. legal actions to be taken against terrorists. Although I applaud the goal of the bill, I find that I am not in agreement with all of its provisions, notwithstanding the very desirable and laudatory objectives of its sponsor, which I share. I do, however, support the resolution on terrorism, and I urge my colleagues to sponsor it.

The problem I have with the bill in its present form is that it does not distinguish between guerrilla and terrorist activities. Sometimes that is indeed a difficult distinction to make. William F. Buckley, Jr., in an article published July 24, 1976, sought to make such a distinction and I quote from his article:

> The killing of uninvolved citizens is terrorism, not guerrilla warfare—which is defined as killing armed representatives of the oppressor state.

I agree with this distinction: I would do everything possible to deal with terrorists who attack innocent civilians, but guerrilla actions, directed against the organized military of a country, may in some cases be justified. The Hungarian freedom fighters were not considered terrorists, but patriots, and, of course, we should be careful not to pass legislation which might have unintended results. However, I want to make clear that I do not believe that those who are engaged in civil functions such as police officers can be deemed to be valid objects of guerrilla forces.

There are other matters in the bill which bear further scrutiny and I would be delighted to work with the sponsor of the original legislation and others in drafting legislation which safeguards society from terrorism but does not preclude and prevent those who engage in guerrilla activities against governments from doing so without the United States taking an irrevocable position concerning them. Furthermore, this bill does not relate simply to the United States and what occurs here but effects our relations with every other country in that it assumes jurisdiction over acts labeled as terrorism occurring in other countries.

And, finally, there is a particular problem in making certain actions illegal simply because they are committed pursuant to the advocacy, direction, teachings, or encouragement of a terrorist organization. The bill calls for punishment beyond what is already prescribed by law, if certain offenses are committed pursuant to the "teachings" or "advocacy" of a "terrorist" organization. Besides creating difficulty in defining when an action is taken pursuant to the direction or teaching of a terrorist organization, there will be some difficulty in defining what is truly a "terrorist organization" with all that connotes and what is simply a loose association of misguided or criminal elements. The present bill includes so many "associations," "combinations" or "assemblies" of people as "terrorist organizations", that I am troubled by its scope.

I think a very good approach to dealing with terrorism, particularly skyjacking, is that set forth in the proposal made by the American Jewish Congress, which appeared in the New York Times of Sunday, July 25. And it is my hope that those interested in that approach would work together to provide legislation to effect the goal set forth in that proposal.

I am appending a copy of that proposal for the interest of my colleagues.

WE CAN STOP AIR PIRACY—IF WE MEAN IT

A STATEMENT BY THE AMERICAN JEWISH CONGRESS

The world was uplifted by the heroic Israeli rescue mission in Uganda on the morning of July 4th. But the safety of international air passengers cannot depend on such extraordinary feats of daring. Once and for all air piracy must be stopped by international action.

It is clear that the United Nations cannot and will not act, dominated as it is by political blocs that include the prime perpetrators of terrorism. Nor can we wait for governments to produce still another meaningless international Convention. Every such treaty adopted thus far has deliberately failed to include any mandatory enforcement provisions.

Airlines and air pilots can act

Foreign governments are plainly unwilling to risk political confrontation on the issue of air piracy. But airlines and airline pilots operate outside the constraints of formal diplomacy. Air France can do things that the government of France may not be able to do. Pilots and airlines can demand guarantees of

air safety, as they have done in the past, without being paralyzed in advance by politics. All that is needed is the will to do so.

There is one way to stop the growing threat to safety in the skies. The private civil aviation community must agree collectively to seal off from air traffic any country whose actions make it an accomplice in the crime of hijacking. The airlines must act together so that no one and no country may reap benefit from air piracy.

Until now the criminals guilty of air kidnapping and the governments that support them and provide them refuge have been allowed to go scot free. Uganda, guilty of complicity in the Air France hijacking, remains an accepted member of the world community, a voting member of the U.N. Not one step has been taken to penalize Uganda or the brutal despot who leads it.

How to end hijacking now

We propose a course of action that will change this do-nothing policy, that will impose effective penalties—and that can be put into effect at once.

To stop air piracy, we call upon the International Air Transport Association and the International Federation of Airline Pilots Associations to make clear that they no longer will fly to any nation that:

(1) Refuses immediately to return a hijacked plane, its passengers or crew,

(2) Gives haven to those responsible for any hijacking, or

(3) Fails to prosecute or extradite hijack terrorists promptly.

The airlines of the world have repeatedly condemned hijacking. But nothing will happen until they act to put teeth into those declarations. They must act now.

What Washington can do now

Without waiting for the airlines and air pilots to act, our own government can move now to end violence in the air. Legislation is needed that will direct the President to suspend air service to:

(1) Any country used as a base of operations or training or as a sanctuary for terrorists,

(2) Any country that arms, aids or abets terrorist organizations, and

(3) Any country that continues to maintain air traffic with an offending state.

At the same time legislation is needed that will curtail all U.S. economic and military assistance to any nation that encourages, protects, supplies—or fails to take appropriate action against—organizations guilty of air terrorism.

Serving notice on air terrorists

Such a resolute and publicly announced program, combining action by the private international civil aviation community and by our own government, will not only deter the lawless acts of private persons. It will also serve notice that any country that encourages these acts by condoning them and by offering haven to the guilty will suffer serious penalty.

The brave Israelis who rescued the hostages at Entebbe gave heart to us all. Now we must devise ways to make sure that no one ever again need go to such lengths to protect the lives of innocent victims of air piracy. We must act in concert. And we must act now.

We urge you to write your Senators and Representatives in support of the legislative proposals we have outlined.

We urge you to write to each of the following persons, calling on them to seal off any country that cooperates with air kidnappers:

Mr. Kurt Hammarskjold, Director-General, International Air Transport Association, Austin Sq. Building, 1000 Sherbrooke St., West, Montreal, Canada 110PQ.

Capt. James J. O'Grady, International Federation of Airline Pilots Associations, 1 Hyde Park Pl., London, W.2, England.

And we invite you to join with us in the American Jewish Congress to help carry forward the campaign to end air piracy now.

STATEMENT OF CHAIRMAN AL ULLMAN WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF H.R. 14844, THE ESTATE AND GIFT TAX REFORM ACT OF 1976

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ULLMAN. Mr. Speaker, on July 27, 1976, the Committee on Ways and Means ordered favorably reported to the House of Representatives H.R. 14844, the Estate and Gift Tax Reform Act of 1976. This bill would amend the Internal Revenue Code of 1954 to provide comprehensive Federal estate and gift tax reform.

I take this occasion to advise my Democratic colleagues in the House as to the type of rule which I will request for consideration of the bill on the floor of the House. The committee instructed me to request the Committee on Rules to grant a closed rule for consideration of H.R. 14844 which would provide for committee amendments which would not be subject to amendment, which would provide for 4 hours of general debate, to be equally divided, and which would provide for the usual motion to recommit with or without instructions.

We intend to file the committee report on H.R. 14844 by midnight, Monday night, August 2, 1976.

VETERANS' PENSIONS NOT AFFECTED BY COST OF LIVING INCREASES IN SOCIAL SECURITY BENEFITS

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, last Thursday, 58 of my colleagues in the House joined as cosponsors to a resolution I introduced which would express the sense of the Congress that no veteran's pension ought to be diminished because of an increase in social security or railroad retirement cost-of-living increases. The resolution also would provide that it is the sense of the Congress—that both the House and Senate committees—immediately consider legislation which would bring about this end.

Today, I am introducing a bill which would remedy the constant decreases those receiving veterans' pensions have had to endure.

The bill provides that no cost-of-living or general benefit increase in monthly social security benefits and no cost-of-living increase in railroad retirement annuities which take effect after 1975 shall be taken into account by the Administrator of Veterans' Affairs in determining the amount of the pension and parent's dependency and indeminity compensation which is payable under the veterans' laws.

The bill applies with respect to any increase taking effect after 1975—and literally means that the ones taking effect—will not affect pensions payable in 1976.

This is because there is always a calendar year lag on computation of annual income for the veterans' pensions.

A VA pension for this year is not going to be bothered by the social security increases that just went into effect for this year, and so it will pick up again with the calendar year 1977 if legislation such as mine is not passed by the Congress.

It is my hope that the House Committee on Veterans' Affairs will immediately consider my bill—or any other legislation—which would bring an end to this constant decreasing of veterans' pensions because of social security and railroad retirement cost-of-living increases.

This would be a small price to pay for a very large debt the people of the United States owe the veterans and their dependents.

STATEMENT OF CONGRESSMAN GILBERT GUDE TO ACCOMPANY INTRODUCTION OF RESOLUTION TO REPLACE THE HOUSE DISTRICT COMMITTEE BY A COMMITTEE ON URBAN AND DISTRICT OF COLUMBIA AFFAIRS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, we have been aware of the myriad of problems confronting urban America for many years. During this time there have been several proposals, including my own, to establish in Congress a committee that could serve as a focal point for dealing with these interrelated problems in a comprehensive approach rather than the present disjointed manner. Unfortunately, the Congress did not previously fully appreciate the enormity of the problems. The fiscal crisis in New York which almost forced our largest city into bankruptcy has brought home to us both the seriousness of the problems and the full impact of not dealing with them. Therefore, the Congress should now recognize the need to create the focal point for urban action which I and others have proposed before.

The timing is not only correct for recognizing the need for such a committee, but for a readily apparent solution. We already have a committee which has great familiarity with the crying problems of one of our most important urban areas. The Committee on the District of Columbia is intimately aware of the fiscal problems of the Nation's Capital. It has dealt with its transportation problems, its crime problems, its pollution problems, its housing problems, its education problems, and its many other problems. With the advent of home rule, however, the role of the Committee on the District of Columbia in District affairs has changed significantly. With the evolution of home rule, the role of the Committee on the District of Columbia in District affairs can be expected to diminish. At a time when the need for a congressional committee to focus on urban affairs is so great we should take advantage of the experience and expertise of the Committee on the District of Columbia in addressing the problems of one major urban area. We should put this experience and expertise, as well as

that of other members from urban metropolitan areas, to good use by expanding the scope of the committee so that it can focus on urban problems throughout the country.

To accomplish this purpose I am introducing a resolution to replace the Committee on the District of Columbia with a Committee on Urban and District of Columbia Affairs. The new committee would be charged with the duty of studying and investigating the problems confronting urban areas. Of particular concern would be municipal fiscal affairs including the limitations of municipal tax bases, the cost of public services, the migration of population and businesses, and the responsibilities of the Federal and State governments. The committee would also be required to address itself to such urban problems as housing, transportation, education, health care, employment, welfare, commercial development, crime, pollution, and water and sewage facilities. Whatever congressional role in District of Columbia affairs evolves under home rule would also be filled by the committee.

I trust that before we have any more municipal fiscal crises such as the one in New York, the Congress will recognize that this is an idea whose time has come and will act speedily on this resolution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. KELLY (at the request of Mr. RHODES), for the remainder of today and tomorrow forenoon, on account of official business.

Mr. FOUNTAIN (at the request of Mr. O'NEILL), for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. HEINZ, for 5 minutes, today.

(The following Members (at the request of Mr. EDGAR) to revise and extend their remarks and include extraneous matter:)

Mr. ROUSH, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. VANIK, for 10 minutes, today.
Ms. ABZUG, for 20 minutes, today.
Mr. KOCH, for 30 minutes, today.
Mr. MATSUNAGA, for 10 minutes, today.
Mr. PEPPER, for 10 minutes, today.
Mr. DINGELL, for 30 minutes, today.
Mr. MEZVINSKY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOCH, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,787.50.

Mr. HECHLER of West Virginia, and to include extraneous matter in the Committee of the Whole today on H.R. 13555.

(The following Members (at the request of Mr. HYDE) and to include extraneous matter:)

Mr. SCHULZE.
Mr. LAGOMARSINO in two instances.
Mr. ARCHER in two instances.
Mr. KASTEN.
Mr. MOSHER.
Mr. WALSH.
Mr. FRENZEL in three instances.
Mr. SARASIN.
Mr. DEL CLAWSON.
Mr. HEINZ.
Mr. O'BRIEN.
Mr. SHUSTER.
Mr. CONTE.
Mr. CRANE in two instances.
Mr. FINDLEY in two instances.
Mr. DU PONT.
Mr. CARTER.
Mr. ROUSSELOT in two instances.
Mr. MCDADE.

(The following Members (at the request of Mr. EDGAR) and to include extraneous matter:)

Mr. ADDABBO.
Mr. WOLFF.
Mr. WAXMAN in three instances.
Mr. EARLY.
Mr. RODINO.
Mr. MIKVA.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. LONG of Maryland.
Mr. SANTINI.
Mr. DANIELSON.
Mr. HOWE.
Mr. CONYERS.
Mr. OTTINGER.
Mr. CHARLES H. WILSON of California.
Mr. BOLAND.
Mr. STARK.
Mr. SHARP.
Mr. DINGELL.
Mr. HEFNER.
Mr. RANGEL.
Mr. GINN.
Mr. CHARLES WILSON of Texas.
Mr. DRINAN.
Mr. VANIK.
Mr. MATSUNAGA.
Mr. TEAGUE.
Mr. UDALL.
Mr. OBERSTAR.
Mr. SIMON.
Mr. ROGERS.
Mr. RUSSO.
Mr. FISHER.
Mr. DOWNEY of New York in three instances.

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. 2943. An act for the relief of the estate of James J. Caldwell; and

H.R. 7685. An act for the relief of Mildred N. Crumley.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 28, 1976, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council act No. 1–142, to protect the citizens of the District from loss of property, death, and injury, by controlling the availability of firearms in the community, pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

3696. A letter from the Acting Secretary of the Treasury, transmitting the annual report of the Student Loan Marketing Association for calendar year 1975, including its audit report, pursuant to section 439(j) of the Educational Amendments Act of 1972; to the Committee on Education and Labor.

3697. A letter from the Under Secretary of Health, Education, and Welfare, transmitting * * * to reduce the amount of funds required to be reserved for particular projects under the Special Projects Act, to eliminate the proportional requirement for the distribution of funds for particular projects, to eliminate the provision for congressional committee review of the Special Projects spending plan, and for other purposes; to the Committee on Education and Labor.

3698. A letter from the Administrator of General Services, transmitting notice of a proposed new system of records that the General Services Administration will establish for the Washington Metropolitan Council of Governments, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

RECEIVED FROM THE COMPTROLLER GENERAL

3699. A letter from the Comptroller General of the United States, transmitting a report on actions needed to enhance the effectiveness of the U.S. Marshals Service; jointly, to the Committees on Government Operations, and the Judiciary.

3700. A letter from the Comptroller General of the United States, transmitting a report on changes needed in the Federal annuity cost-of-living adjustment processes; jointly, to the Committee on Government Operations, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 1430. A resolution providing for the consideration of H.R. 10498. A bill to amend the Clean Air Act, and for other purposes (Rept. No. 94–1367). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1431. A resolution providing for the consideration of H.R. 12664. A bill to revise and extend the provisions of title XII of the Public Health Service Act relating to emergency medical services systems, and for other purposes (Rept. No. 94–1368). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1432. A resolution providing for the consideration of H.R. 13958. A bill to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the armed forces, and for other purposes (Rept. No. 1369). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 1433. A resolution providing for the consideration of H.R. 14070. A bill to extend and amend part B of title IV of the Higher Education Act of 1965, and for other purposes (Rept. No. 94–1370). Referred to the House Calendar.

Mr. ICHORD: Committee on Armed Services. H.R. 14846. A bill to authorize certain construction at military installations, and for other purposes; with an amendment (Rept. No. 94–1371). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOWERS: Committee on the Judiciary. H.R. 6684. A bill to amend the Federal Trade Commission Act to provide that exclusive territorial arrangements used in the distribution or sale of a trademarked soft drink product or a trademarked private label food product shall not be deemed unlawful per se; with an amendment (Rept. No. 94–1230, pt. II). 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. ANDERSON of California (for himself, and Mr. SNYDER):

H.R. 14866. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-fare transportation on space-available basis for elderly persons, young persons, and handicapped persons; to the Committee on Public Works and Transportation.

By Mr. AMBRO:

H.R. 14867. A bill to amend the Internal Revenue Code of 1954 to provide that certain organizations which are dedicated to honoring and preserving the memory of former Presidents will not be treated as private foundations; to the Committee on Ways and Means.

By Mr. ASHBROOK:

H.R. 14868. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. BEDELL (for himself, Mr. BURKE of Florida, Mr. FRASER, Mr. RISENHOOVER, Mr. YOUNG of Alaska, Mr. ANDREWS of North Dakota):

H.R. 14869. A bill to authorize appropriations for purposes of making certain grants under the Indian Elementary and Secondary Assistance Act, the Elementary and Secondary Education Act of 1965, and the Adult Education Act; to the Committee on Education and Labor.

By Mr. DOWNING of Virginia:

H.R. 14870. A bill to establish an office of maritime affairs coordinator in the Executive Office of the President; to the Committee on Merchant Marine and Fisheries.

By Mr. EILBERG:

H.R. 14871. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit of $250 to an individual for expenditures for health insurance premiums; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 14872. A bill to require the Federal Communications Commission to increase the channels available for use in the citizens radio services; to the Committee on Interstate and Foreign Commerce.

By Mr. KASTEN:

H.R. 14873. A bill to grant a Federal charter to the World War I Overseas Flyers, Inc.; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 14874. A bill to amend the Internal Revenue Code of 1954 to allow individuals who have attained age 65 a nonrefundable tax credit for property taxes paid by them on their principal residences or for a certain portion of the rent they pay for their principal residences; to the Committee on Ways and Means.

By Mr. MOSHER (for himself, Mrs. HECKLER of Massachusetts, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. REES, and Mr. WON PAT):

H.R. 14875. A bill to establish a national program of earthquake hazards reduction; to the Committee on Science and Technology.

By Mr. MOSHER (for himself, Mr. SYMINGTON, Mr. BROWN of California, and Mr. GOLDWATER):

H.R. 14876. A bill to reduce the hazards of earthquakes, and for other purposes; to the Committee on Science and Technology.

By Mrs. MEYNER:

H.R. 14877. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL (for himself, Mr. AMBRO, Mr. ANDERSON of California, Mr. BALDUS, Mr. BAUCUS, Mr. JOHN L. BURTON, Mr. DOMINICK V. DANIELS, Mr. FASCELL, Mr. HANLEY, Mr. HARKIN, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. LLOYD of California, Mr. MCHUGH, Mr. MEEDS, and Mr. NEAL):

H.R. 14878. A bill to amend the Energy Policy and Conservation Act to minimize the use of energy in residential housing, commercial and public buildings, and industrial plants; to create an energy conservation extension service; to establish energy conservation research, development, and demonstration institutes; to authorize a Federal program of research, development, and demonstration designed to promote efficiency of energy use; to insure coordination of Federal energy conservation activities; and for other purposes; divided and referred as follows: Title I, jointly, to the Committee on Banking, Currency and Housing and to the Committee on Interstate and Foreign Commerce; and title II to the Committee on Science and Technology.

By Mr. PEPPER:

H.R. 14879. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such act regardless of their age; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 14880. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act with respect to the tax treatment for retirement purposes of commissions received by certain State and local tax collectors; to the Committee on Ways and Means.

By Mr. SCHULZE:

H.R. 14881. A bill to impose quantitative limitations on the importation of mushrooms into the United States; to the Committee on Ways and Means.

By Mr. SKUBITZ:

H.R. 14882. A bill to amend title 38 of the United States Code in order to provide that recipients of veterans' pension and dependency and indemnity compensation will not have the amount of such pension or compensation reduced because of cost-of-living increases in monthly social security benefits or railroad retirement annuities; to the Committee on Veterans' Affairs.

By Mr. WALSH:

H.R. 14883. A bill to provide that the Federal Government shall assume 100 percent of all Federal, State, and local welfare costs; to the Committee on Ways and Means.

By Ms. ABZUG:

H.R. 14884. A bill to bar foreign assistance to any nation air traffic to and from which is suspended for violations of the air piracy provisions of the Aviation Act of 1958; to the Committee on International Relations.

By Ms. ABZUG:

H.R. 14885. A bill to require that the President suspend air transportation rights of any foreign nation which assists air terrorists, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. BROOKS:

H.R. 14886. A bill to revise the appropriation authorization for the Presidential Transition Act of 1963; to the Committee on Government Operations.

By Mr. CLANCY:

H.R. 14887. A bill to amend the Internal Revenue Code of 1954 to prohibit interest on tax in cases in which a taxpayer received erroneous assistance from the Internal Revenue Service with respect to such tax; to the Committee on Ways and Means.

H.R. 14888. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for tuition expenses of the taxpayer or his spouse or a dependent at an institution of higher education, and an additional credit for gifts or contributions made to any institution of higher education; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. SCHULZE):

H.R. 14889. A bill to impose quantitative limitations on the importation of mushrooms into the United States; to the Committee on Ways and Means.

By Mr. HEINZ (for himself, Mr. JOHNSON of Pennsylvania, Mr. MCDADE, and Mr. SHUSTER):

H.R. 14890. A bill to establish a program for repairing and replacing unsafe highway bridges; jointly to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 14891. A bill to approve the sale of certain naval vessels, and for other purposes; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 14892. A bill to approve the sale of certain naval vessels, and for other purposes; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 14893. A bill to approve the sale of certain naval vessels, and for other purposes; to the Committee on Armed Services.

By Mr. RINALDO:

H.R. 14894. A bill to prohibit the sale or distribution of mailing lists of individuals under the age of 18; to the Committee on Interstate and Foreign Commerce.

By Mr. RINALDO:

H.R. 14895. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TSONGAS (for himself, Mrs. BURKE of California, Mr. CLEVELAND, Mr. HALL of Illinois, Mrs. HECKLER of Massachusetts, and Mr. MATSUNAGA):

H.R. 14896. A bill to amend title 18, United States Code, so as to establish certain guidelines for sentencing, establish a U.S. commission on sentencing, and for other purposes; to the Committee on the Judiciary.

By Mr. DOWNEY of New York:

H.R. 14897. A bill to amend the Consumer Credit Protection Act; to the Committee on Banking Currency and Housing.

H.R. 14898. A bill to amend title 5 of the United States Code, to exclude individuals who are not citizens of the United States from appointment in the competitive service; to the Committee on Post Office and Civil Service.

By Mr. FITHIAN (for himself, Mr. ROUSH, Mr. JACOBS, Mr. HAYES of Indiana, Mr. HUNGATE, Mr. BAUCUS, Mr. SHARP, Mr. OTTINGER, Mr. BRADEMAS, Mr. EVANS of Indiana, and Mr. HILLIS):

H.R. 14899. A bill to deauthorize the Lafayette Dam and Reservoir, Wabash River, Ind.; to the Committee on Public Works and Transportation.

By Mr. GREEN:

H.R. 14900. A bill to establish a program for inspecting, repairing, rehabilitating or replacing bridges; to the Committee on Public Works and Transportation.

By Mrs. SPELLMAN:

H.R. 14901. A bill to allow any chief of the Piscataway Indian Tribe to be buried at Piscataway Park in Oxon Hill, Md.; to the Committee on Interior and Insular Affairs.

By Mrs. SPELLMAN:

H.R. 14902. A bill to amend title 5, United States Code, to exclude individuals who are not citizens of the United States from appointment in the competitive service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California:

H.J. Res. 1033. A resolution relating to the withdrawal of all minerals in certain areas of the Los Padres National Forest, Calif., from all forms of appropriation under the mining law and from disposition under all laws pertaining to mineral leasing; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.J. Res. 1034. A resolution relating to the publication of economic and social statistics for Americans of East Asian or Pacific island origin or descent; jointly to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. ASHBROOK:

H. Res. 1423. A resolution expressing the sense of the House of Representatives that Israel be commended for its rescue operation in Uganda; to the Committee on International Relations.

By Mr. JOHN L. BURTON (for himself, Mr. DAVIS, Mr. BALDUS, Mr. LAGOMARSINO, Mrs. MEYNER, Mr. BYRON, Mr. BEDELL, Mr. DENT, Mr. YATRON, Mr. DOMINICK V. DANIELS, Mr. PATTISON of New York, Mr. ROYBAL, Mr. EDWARDS of California, Mr. HUGHES, Mr. MEEDS, Mr. PICKLE, Mr. BEARD of Rhode Island, Mr. WON PAT, Mr. FORD of Tennessee, Mr. KREBS, Mr. ROE, Mr. HEINZ, Mr. RINALDO, Mr. FITHIAN, and Mr. FRENZEL):

H. Res. 1424. A resolution amending 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, and to provide for the addition and deletion of names of Members as sponsors after the introduction of a bill, memorial, or resolution; to the Committee on Rules.

By Mr. JOHN L. BURTON (for himself, Mr. FLORIO, Mr. LUJAN, Mr. SIKES, Mr. CHARLES WILSON of Texas, Mr. PATTEN, Mr. LAFALCE, Mr. MAZZOLI, Mr. PREYER, Mr. KRUEGER, Mr. DODD, Mr. BADILLO, Ms. ABZUG, and Mr. MANN):

H. Res. 1425. A resolution amending 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, and to provide for the addition and deletion of names of Members as sponsors after the introduction of a bill, memorial, or resolution; to the Committee on Rules.

By Mr. GUDE:

H. Res. 1426. A resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Urban and District of Columbia Affairs; to the Committee on Rules.

By Mr. HARRINGTON (for himself Ms. ABZUG, Ms. CHISHOLM, Mr. DOWNEY of New York, Ms. HOLTZMAN, Mr. ROYBAL, Mr. SANTINI, and Mr. STARK):

H. Res. 1427. A resolution directing the President to provide to the House of Representatives certain information with respect to any payment made by the United States to influence Italian politics and with respect to a certain agreement made by the United States regarding loans to Italy; to the Committee on International Relations.

By Mr. YATES (for himself and Mr. MCKAY):

H. Res. 1428. A resolution disapproving the proposed deferral of budget authority for the design of a metallurgy research center to be established on the Fort Douglas Military Reservation, Utah (deferral No. D76–110); to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURGENER:

H.R. 14903. A bill for the relief of Young Gun Kim; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

530. The SPEAKER presented a petition of the Fourth Northern Mariana Islands Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to air service between Saipan and Tokyo; which was referred to the Committee on Public Works and Transportation.

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 July 26, 1976, page 23765:

H.R. 14541. June 24, 1976. Banking, Currency and Housing. Provides that elderly persons residing in dwelling units receiving Federal assistance shall be entitled to specified rights concerning lease terminations.

H.R. 14542. June 24, 1976. Interior and Insular Affairs; Agriculture. Authorizes the Secretary of Agriculture to enter into contracts through September 1977, for the sale of timber from national forests and other Federal forest lands in Alaska.

H.R. 14543. June 24, 1976. Public Works and Transportation. Amends the Federal Water Pollution Control Act to redefine the term "hazardous substance" to include fecal material, sewage, municipal or industrial waste, and floating debris.

H.R. 14544. June 24, 1976. Science and Technology. Extends through fiscal year 1980 the appropriations authorized for the weather modification activities oversight program of the Department of Commerce.

H.R. 14545. June 24, 1976. Public Works and Transportation. Designates the Federal office building in Manchester, New Hampshire, as the "Norris Cotton Building."

H.R. 14546. June 24, 1976. Ways and Means. Amends the Internal Revenue Code to provide that for purposes of the Federal income tax the basis of property acquired from a decedent shall be the adjusted basis of the property immediately before the death of the decedent, with such adjustments as provided for in this Act.

H.R. 14547. June 24, 1976. Judiciary. Entitles all persons sustaining damage as a result of the collapse of the Teton Dam on the Teton River, Idaho, to receive full compensation from the United States as determined by the Secretary of the Interior or his designee in accordance with the laws of the State of Idaho.

Stipulates that acceptance of any award made under this Act shall constitute a complete release of all claims of the claimant arising from the dam collapse.

Directs the Secretary to enter into agreements with the owners of irrigation facilities damaged by the dam collapse to finance the repair or reconstruction of such facilities.

H.R. 14548. June 24, 1976. Post Office and Civil Service. Repeals the provisions of Public Law 94–82 authorizing increases in the salaries of Members of Congress.

H.R. 14549. June 24, 1976. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors, and Disability Insurance benefits.

H.R. 14550. June 24, 1976. Ways and Means. Prohibits any business deduction, under the Internal Revenue Code, relating to expenses paid or incurred for the transportation of any person by commercial airplane or railroad in excess of any amount which is equal to the retail price of a coach class fare ticket on such airline or railroad, unless the use of first class accommodations was necessitated by the circumstances of the taxpayer's business activities or by a disability or handicap or because coach tickets were unavailable.

H.R. 14551. June 24, 1976. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a National Commission on Digestive Diseases. Requires the Commission to develop a long-range plan for the use of national resources to deal with digestive diseases.

Directs the Secretary to establish a Coordinating Committee for Digestive Diseases to improve coordination among Federal agencies in the research, training, control, and treatment of digestive diseases.

H.R. 14552. June 24, 1976. Ways and Means. Revises the eligibility requirements for disability insurance benefits for blind persons under the Old-Age, Survivors, and Disability Insurance program of the Social Security Act. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 14553. June 24, 1976. Judiciary; Education and Labor. Establishes standards and procedures which courts are to follow in school desegregation suits. Requires the review of court-imposed orders requiring the transportation of students three years after the date of entry of such order. Establishes a National Community and Education Committee to assist communities in the desegre-

gation of their schools, including grants to community organizations for such purpose. Establishes a Federal Community Assistance Coordinating Council to consult with community representatives seeking Federal aid for programs to facilitate desegregation.

H.R. 14554. June 24, 1976. Ways and Means. Amends the Social Security Act with respect to Old-Age, Survivors, and Disability Insurance by directing the Secretary of Health, Education, and Welfare to establish procedures for expediting (1) replacement of lost, stolen or misdelivered benefit checks; (2) initial benefit payments; (3) hearings on eligibility; and (4) final determinations of eligibility.

H.R. 14555. June 24, 1976. House Administration. Directs the Comptroller General to conduct audits of the financial transactions and accounts of: (1) any Member, officer, or committee of the House of Representatives; and (2) 44 randomly selected Members of the House of Representatives by April 30, of each year.

States that the costs of any public document, published for sale, distributed by a Member of the House of Representatives to anyone not on such Member's staff must be paid to the Superintendent of Documents.

H.R. 14556. June 25, 1976. Agriculture. Amends the Forest and Rangeland Renewable Resources Planning Act of 1974 to direct the Secretary of Agriculture to include in the Renewable Resource Program, national program recommendations which take into account specified policy objectives.

Requires the Secretary to provide for public participation in the formulation and review of proposed land management plans and to promulgate regulations for their development and revision.

Revises provisions relating to sale of timber found on National Forest Service lands.

H.R. 14557. June 25, 1976. Armed Services. Requires the Secretaries of each military department and the Secretary of Defense to review each type of personnel position in his jurisdiction to determine whether such position could be filled by a civilian employee. Prohibits the assignment of active-duty personnel to such a position unless the individual meets specified minimum qualifications and no civilian employee with equal or superior qualifications is available.

H.R. 14558. June 25, 1976. Ways and Means. Amends the Internal Revenue Code to allow a tax deduction in an amount not to exceed $1,000 for amounts paid by the taxpayer to an eligible educational institution for tuition for the attendance of the taxpayer or another individual or individuals at such institution.

H.R. 14559. June 25, 1976. Interstate and Foreign Commerce. Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency to prescribe standards for carbon monoxide in the passenger area of buses and sustained-use vehicles in order to protect the health of passengers. Requires that State implementation plans include measures to attain and enforce such standards.

H.R. 14560. June 25, 1976. Interstate and Foreign Commerce. Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency to prescribe standards for carbon monoxide in the passenger area of buses and sustained-use vehicles in order to protect the health of passengers. Requires that State implementation plans include measures to attain and enforce such standards.

H.R. 14561. June 25, 1976. Education and Labor. Amends the Older Americans Act of 1965 to allow States to distribute Federal funds for the establishment of projects to provide home-delivered meals to qualified homebound elderly persons.

Directs the Commissioner of the Administration on Aging to conduct a demonstration project involving at least three States to determine the feasibility of using the meals system designed by the National Aeronautics and Space Administration for the elderly as a component of or substitute for regular nutrition projects assisted under such Act.

H.R. 14562. June 25, 1976. Banking, Currency and Housing. Amends the Flood Disaster Protection Act of 1973 to eliminate flood insurance and community participation in the national flood insurance program as prerequisites for Federal approval of financial assistance for acquisition or construction of, or for lending institution loans secured by, any building, mobile home, or personal property located or to be located in an area having special flood hazards.

H.R. 14563. June 25, 1976. Rules. Amends the Legislative Reorganization Act of 1970 to require that each public bill or resolution reported by a congressional committee be accompanied by a Paperwork Impact Statement which assesses the amount and character of the information that such bill or resolution will require of private individuals and businesses and the cost of time required of such individuals or businesses who must provide the information sought by such legislation.

H.R. 14564. June 25, 1976. Merchant Marine and Fisheries. Amends the Shipping Act of 1916 to expand the coverage of such Act to include controlled carriers. Provides for the regulation of rates, charges and structure of charges maintained by such carriers.

H.R. 14565. June 25, 1976. Ways and Means. Amends the Internal Revenue Code to provide that the current withholding tables as set forth in the Revenue Adjustment Act of 1975 shall remain in effect through August 31, 1976 rather than June 30, 1976.

H.R. 14566. June 25, 1976. Agriculture. Authorizes the Secretary of Agriculture to issue orders for the collection of assessments from freestone peach producers. States that such funds are to be used for research and education programs relating to freestone peaches. Provides for the establishment of a National Freestone Peach Research and Education Board to administer provisions of this Act.

H.R. 14567. June 25, 1976. Ways and Means. Amends the Internal Revenue Code to allow a charitable deduction against the income, estate, and gift tax for contributions by an individual to a domestic fraternal society operating under the lodge system for the purpose of constructing or maintaining a building the principal purpose of which is to house such organization.

H.R. 14568. June 25, 1976. Merchant Marine and Fisheries. Amends the Marine Mammal Protection Act of 1972 to prohibit the issuance of permits thereunder which authorize the taking of marine mammals in connection with commerical fishing.

Amends such Act to grant the Secretary of the Interior exclusive jurisdiction over such Act.

H.R. 14569. June 25, 1976. Interstate and Foreign Commerce. Amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to indemnify physicians, health care personnel, and health facilities providing nonprofit professional services in connection with the national influenza immunization program against civil claims resulting therefrom, except in cases of gross negligence.

H.R. 14570. June 25, 1976. Public Works and Transportation. Establishes a National Office of Ridesharing to coordinate a Federal ridesharing program in the Department of Transportation in order to reduce reliance on single-passenger motor vehicles. Establishes procedures and guidelines for State ridesharing programs. Authorizes financial assistance for ridesharing programs, research, and demonstration.

Authorizes appropriations from the highway trust fund to finance programs established by this Act.

H.R. 14571. June 28, 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. Provides an additional credit against the estate tax for certain farms and closely held businesses passing to a qualified heir. Increases the estate and gift tax marital deduction. Allows the executor of an estate which includes real property used for farming, open space, or forest, to value the property at its current use rather than at its fair market value determined on the basis of its best use.

H.R. 14572. June 28, 1976. Public Works and Transportation. Authorizes the Secretary of Transportation to assist in the construction and replacement of bridge structures in Allegheny County, Pennsylvania. Authorizes appropriations from the Highway Trust Fund to finance the Federal share of the costs of such projects.

H.R. 14573. June 28, 1976. Standards of Official Conduct. Requires Members of Congress, Congressional candidates, and employees of Congress to file financial disclosure statements revealing: (1) the amounts and sources of income including gifts, honorariums, or compensation for publication of written works; (2) the cash value of all assets held by such person individually or jointly with his or her spouse; and (3) any business transaction involving such person.

Requires such statements to be made annually to the Comptroller General who is directed by this Act to make them available to the public.

H.R. 14574. June 28, 1976. Ways and Means. Amends the Tariff Schedules of the United States to increase for a five-year period the customs duty on specified hand tools.

H.R. 14575. June 28, 1976. Ways and Means. Amends the Medicare program of the Social Security Act to provide that podiatrists shall be treated as "physicians" for certification and related purposes under such program the same as doctors of medicine. Provides coverage under the supplementary medical insurance program for the cutting and removal of warts.

H.R. 14576. June 28, 1976. Interior and Insular Affairs. Redesignates the Boundary Waters Canoe Area in Superior National Forest, Minnesota, as the Boundary Waters Wilderness Area. Specifies restrictions relating to timber harvesting, mining, and use of recreational vehicles within such area.

Increases the amount payable to the State of Minnesota with respect to lands within the Superior National Forest.

H.R. 14577. June 28, 1976. Post Office and Civil Service. Declares that the "Star-Spangled Banner" consists of words and music as composed by Francis Scott Key and arranged by Thomas Carr.

H.R. 14578. June 28, 1976. Interior and Insular Affairs. Authorizes reclamations projects to be carried out by the Secretary of the Interior and appropriations therefor of the (1) Kanopolis Unit, Kansas, (2) Oroville-Tonasket Unit, Washington, (3) Uintah Unit, Utah, (4) American Canal Extension, El Paso, Texas, (5) Allen Camp Unit, California, (6) Leadville Mine Drainage Tunnel, Colorado, and (7) M'Gee Creek Project, Oklahoma.

H.R. 14579. June 28, 1976. House Administration. Designates the library of the New York Law School as a depository for Federal Government publications.

H.R. 14580. June 28, 1976. Judiciary. Amends the Clayton Act to require specified classes of Corporations to notify the Federal Trade Commission and the Justice Department of certain contemplated mergers prior to acquisition.

H.R. 14581. June 28, 1976. House Administration. Requires the Comptroller General to

conduct an audit of the contingent funds of both Houses of Congress no later than 180 days after the close of a session of Congress. Directs the Comptroller General to make the results of such audits public and to report to the appropriate Federal authorities any substantial evidence of a violation of Federal law disclosed by such audit.

H.R. 14582. June 28, 1976. Public Works and Transportation. Amends the River and Harbor Act of 1970 to extend and increase the authorization for the demonstration program for winter navigation on the Great Lakes-Saint Lawrence Seaway System.

H.R. 14583. June 28, 1976. Merchant Marine and Fisheries. Entitles the foreign-built passenger vessel, "Cunard Adventurer," to be documented to engage in the coastwise passenger trade between ports in the State of Hawaii.

H.R. 14584. June 28, 1976. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to operate and maintain the Los Angeles-Long Beach harbor model in Vicksburg, Mississippi, for purposes of testing proposals for improving navigation and environmental quality in the harbor waters of both ports.

H.R. 14585. June 28, 1976. Veterans' Affairs. Provides that the fees payable to agents or attorneys who represent veterans in allowed claims under the veterans laws shall be paid by the Administrator of Veterans' Affairs rather than deducted from amounts awarded under the claims.

H.R. 14586. June 28, 1976. Ways and Means. Amends the program of Old Age, Survivors, and Disability Insurance of the Social Security Act to provide that attorney's fees allowed in administrative or judicial proceedings under that program or under the Medicare program of such Act, in cases where the claimants are successful, shall be paid by the Secretary of Health, Education, and Welfare rather than deducted from the amounts awarded claimants.

H.R. 14587. June 28, 1976. Judiciary. Exempts an individual from State income taxes with respect to income received during any period by such individual from transactions occurring, or services performed, in a Federal area located within any State if during such period such individual is not a resident or domiciliary of such State or of any other State which imposes a tax on the income of individuals.

H.R. 14588. June 28, 1976. Interior and Insular Affairs. Amends the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to issue certificates of public convenience and necessity to aid in construction of certain pipelines. Allows certified pipeline carriers to exercise the power of eminent domain in the United States district courts to acquire rights-of-way for coal pipelines.

H.R. 14589. June 28, 1976. Ways and Means. Provides an additional 26 weeks of unemployment benefits (presently limited to 26 weeks) under the Emergency Unemployment Compensation Act of 1974.

H.R. 14590. June 28, 1976. Ways and Means. Amends the Tariff Schedules of the United States to require proof of automobile property and personal liability insurance on automobiles imported for the personal use of nonresidents and foreign government personnel, in an amount equal to the minimum insurance requirements in those States in which the vehicle will be operated.

Directs the Secretary of the Treasury to forward certain identifying information on such vehicles to the Secretary of Transportation who shall forward such information to the appropriate State agency responsible for motor vehicle registration.

H.R. 14591. June 28, 1976. Government Operations. Requires any Federal agency proposing a new rule or any committee of Congress reporting legislation which may have a significant impact on costs to the public to prepare a Regulatory Cost/Benefit Assessment.

Sets forth procedures for preparing such Assessment.

H.R. 14592. June 28, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 14593. June 29, 1976. Ways and Means. Amends the Tariff Schedules of the United States (1) to reorganize the classifications of certain iron or steel pipes and tubes, and blanks therefor, and (2) to revise the customs duties imposed on such products.

H.R. 14594. June 29, 1976. District of Columbia. Amends the District of Columbia Self-Government and Governmental Reorganization Act to authorize the Mayor to accept loans from the Treasury of the United States and the Secretary of the Treasury to make loans to the Mayor of the completion of capital construction and construction services for which funds have been authorized or appropriated by Congress prior to January 2, 1977.

Revises to February 1, the date upon which the Mayor must submit to the District of Columbia Council the financial statement for the preceding fiscal year.

H.R. 14595. June 29, 1976. Public Works and Transportation. Directs the Secretary of the Army, acting through the Chief of Engineers, to review requirements for local cooperation with respect to the spoil disposal area for the project for Deep Creek in Virginia. Requires the Secretary to determine whether Craney Island disposal area should be used as the spoil disposal area for such project. Suspends temporarily the local cooperation requirements and designates Craney Island as the disposal area pending results of such review.

H.R. 14596. June 29, 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. 14597. June 29, 1976. Judiciary. Amends the Bankruptcy Act to include among debts which have priority specified debts to consumers of deposits of money made in connection with the purchase of goods or services for personal or household use not delivered on the date of bankruptcy.

H.R. 14598. June 29, 1976. Ways and Means. Amends the Tariff Schedules of the United States to set forth the customs duty on acrylic resin sheets and to exclude from tariff classification as rubber and plastics scrap or profile shapes such scrap or shapes improved by grinding on the edges, drilling, milling, hemming, or otherwise processing for a useful commercial purpose.

H.R. 14599. June 29, 1976. Ways and Means. Amends the Tariff Schedules of the United States to suspend temporarily the customs duty on fluorspar.

H.R. 14600. June 29, 1976. Ways and Means. Amends the Tariff Schedules of the United States to specify traiff treatment and making requirements for clocks and watches with modular movements, liquid-crystal display or light-emitting diode display.

H.R. 14601. June 29, 1976. Education and Labor. Establishes procedures and guidelines for the establishment of equal education opportunity for students in elementary and secondary schools. Requires that States submit equal educational opportunities plans to the Secretary of Health, Education, and Welfare for his approval. Establishes criteria for approval of plans and eligibility for Federal assistance.

H.R. 14602. June 29, 1976. Banking, Currency and Housing. Directs the Secretary of the Treasury to strike a medal commemorating the anniversary of the drafting of the Virginia Statute for Religious Freedom.

H.R. 14063. June 29, 1976. Banking, Currency and Housing. Amends the National Housing Act to authorize expenditures by the Secretary of Housing and Urban Development for repair of major structural defects which create a serious danger to the life and safety of inhabitants of certain family dwellings covered by any mortgage insured by the Federal Housing Administration.

H.R. 14604. June 29, 1976. Public Works and Transportation. Amends the Federal Aviation Act of 1958 with respect to the Civil Aeronautics Board's authority regarding certificates to engage in supplemental air transportation and air transportatiton rates. Revises the declaration of policy of such Act to direct the Board to consider competition in the airline industry as being in the public interest.

Authorizes air carriers to engage in nonstop service between points where the present nonstop authority is unused for a specified period of time. Establishes time limitations in which the Board must determine route applications.

H.R. 14605. June 29, 1976. Veterans' Affairs. Extends the delimiting period in the case of any eligible veteran who is pursuing, during his or her tenth year of eligibility, a program of education.

H.R. 14606. June 29, 1976. Interior and Insular Affairs. Directs the Secretary of the Interior to convey certain mineral rights of the United States to the Farm Bureau of Halifax County, North Carolina.

H.R. 14607. June 29, 1976. Public Works and Transportation. Directs the Administrator of General Services to supervise the construction of a public building for Federal officers and employees in Tallahassee, Florida.

H.R. 14608. June 29, 1976. Ways and Means. Amends the program of Grants to States for Services of the Social Security Act to provide that no State shall be required to administer individual means tests for the provision of social services defined as group services under the State social service plan.

H.R. 14609. June 29, 1976. Interstate and Foreign Commerce. Directs the President to remove mandatory allocation controls from the class of petroleum products known as middle distillates. Stipulates that standby allocation authority shall remain in force with respect to such products.

H.R. 14610. June 29, 1976. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 14611. June 29, 1976. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in full settlement of such corporation's claims against the United States arising from losses incurred under certain contracts between such corporation and the United States.

H.R. 14612. June 29, 1976. Judiciary. Authorizes the adjustment of the status of a certain individual to that of an alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. Declares such individual to be deemed not to have attained the age of 21 for purposes of such Act.

H.R. 14613. June 29, 1976. Judiciary. Declares a certain individual to be considered a resident of the United States and to have been in the United States for purposes of determining eligibility for receipt of child's insurance benefits under the Social Security Act.

H.R. 14614. June 30, 1976. Judiciary. Provides for the deportation of any alien who receives welfare benefits within three years after his or her entry into the United States

or who within five years of such entry becomes a public charge from causes not affirmatively shown to have arisen after entry.

H.R. 14615. June 30, 1976. Education and Labor. Authorizes appropriations to the Navajo Community College for construction costs and for operation and maintenance of the college.

H.R. 14616. June 30, 1976. Judiciary. Deletes the provisions of the Immigration and Nationality Act which limit to two the number of petitions for preference status which may be granted to a petitioner on behalf of an alien orphan immigrating to the United States for adoption.

H.R. 14617. June 30, 1976. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a National Diabetes Advisory Board to insure the implementation of a long range plan to combat diabetes. Authorizes the Secretary to make grants to scientists who have shown productivity in diabetes research for the purpose of continuing such research. Authorizes, under the Public Health Service Act, the appropriation of specified sums for the purposes of making grants to centers for research and training in diabetic related disorders.

H.R. 14618. June 30, 1976. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate.

H.R. 14619. June 30, 1976. Education and Labor. Amends the Civil Rights Acts of 1964 to make it an unlawful employment practice for an employer to request that an employee or applicant for employment provide military discharge papers or other service-connected records, except with respect to inquiries regarding education, training, work experience, or convictions by a court-martial when such request is reasonably related to the position.

H.R. 14620. June 30, 1976. House Administration. Directs the Comptroller General to conduct annual audits of any financial transaction of each Member, officer, and standing committee of the House of Representatives involving the contingent fund of the House retroactive to 1973. Requires that each annual report be submitted to the Speaker of the House of Representatives and be available for public inspection.

H.R. 14621. June 30, 1976. District of Columbia. Amends the District of Columbia Income and Franchise Tax Act of 1947 to impose an income tax on nonresidents of the District of Columbia which is derived from sources within the District, including the Federal Government.

Repeals the tax on unincorporated businesses.

H.R. 14622. June 30, 1976. Ways and Means. Amends the Medicare and Medicaid programs of the Social Security Act to include in the coverage provided under such programs the services of licensed registered nurses.

H.R. 14623. June 30, 1976. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to authorize the Civil Aeronautics Board to grant exemptions from the requirements of such Act for all-cargo operations in interstate air transportation pending consideration of an application for initial certification under such Act if such exemption is in the public interest.

H.R. 14624. June 30, 1976. Small Business; Government Operations; Banking, Currency and Housing. Amends the Small Business Act to expand assistance under such Act to minority small business concerns. Establishes the Office of Minority Small Business Assistance Personnel to work with all Government agencies having procurement powers. Provides statutory standards for contracting and subcontracting by the United States with respect to minority concerns. Creates a Commission on Federal Assistance to Minority Enterprise.

H.R. 14625. June 30, 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. 14626. June 30, 1976. Judiciary. Establishes the Crime Victims Compensation Commission to make annual and supplemental grants to qualifying State programs to assist in covering the costs of paying compensation to the victims of specified crimes.

H.R. 14627. June 30, 1976. Education and Labor; Interstate and Foreign Commerce. Amends the National Labor Relations Act to prohibit employers from making an agreement with a labor organization which shall require membership therein as a condition of employment.

H.R. 14628. June 30, 1976. Banking, Currency and Housing. Establishes an Office for Minority Business Development and Assistance in the Department of Commerce.

Transfers the functions of the Small Business Administration to the Secretary of Commerce, and stipulates that the Director of the Office of Management and Budget shall transfer to the Secretary any separable function of any Federal department or agency which the Director determines relates primarily to the development or assistance of minority business enterprises.

H.R. 14629. June 30, 1976. Interior and Insular Affairs. Amends the Indian Claims Act of 1946 to direct the Court of Claims to review the decision of the Indian Claims Commission which effected a taking of the Black Hills portion of the Great Sioux Reservation, and to render judgment on any claims the Wichita Indian Tribe of Oklahoma have against the United States.

H.R. 14630. June 30, 1976. Ways and Means Amends the Medicare program of the Social Security Act to authorize payment under the supplementary medical insurance program for services furnished by physican extenders.

H.R. 14631. June 30, 1976. Ways and Means. Amends the Internal Revenue Code to provide that the current withholding tables as set forth in the Revenue Adjustment Act of 1975 shall remain in effect through August 31, 1976 rather than June 30, 1976.

H.R. 14632. June 30, 1976. Judiciary. Amends the Patent Laws of the United States to allow prior art citations to the Patent Office and consequent reexainations of patents.

H.R. 14633. June 30, 1976. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Law Enforcement Assistance Administration to make grants to eligible units of general local government to enable such units to maintain levels of essential law enforcement and criminal justice personnel which would otherwise be reduced because of bona-fide budgetary problems.

H.R. 14634. June 30, 1976. Education and Labor. Requires States receiving financial assitsance under the Elementary and Secondary Education Act of 1965 which are operating a program designed to insure reading readiness for educationally deprived preschool children or children in grades 1, 2, or 3 to continue such programs at their present level. Prohibits the exclusion of children enrolled in such program from further participation on the ground that such child has achieved a reading aptitude equal to or greater than the normal reading aptitude for the grade in which the child is enrolled.

H.R. 14635. June 30, 1976. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to initiate and carry out a program for the treatment of Vietnam era veterans and their dependents who are experiencing psychosocial readjustment problems as a result of military service or as a result of problems evolving from readjustment from such service.

H.R. 14636. June 30, 1976. Public Works and Transportation. Modifies the project for Papillian Creek and Tributaries Lakes in Nebraska, in accordance with the recommendations of the Corps of Engineers.

H.R. 14637. June 30, 1976. Government Operations. Directs the Administrator of General Services to pay to local governments in which three percent or more of the land is federally owned and to States in which such governmental units are located, amounts fairly equivalent to the amount of taxes which would be payable with respect to such lands if they were privately owned.

Reduces the amount of such payments by the amount paid in lieu of taxes with respect to any Federal lands within the jurisdiction of the local government or the State pursuant to any other Federal law.

H.R. 14638. June 30, 1976. Public Works and Transportation. Directs the Administrator of the Environmental Protection Agency to establish research and demonstration programs for the control of sludge. Authorizes financial assistance for sludge removal programs. Establishes a permit program to control hazardous sludge.

H.R. 14639. July 1, 1976. Ways and Means. Directs that two percent of all Federal income taxes collected on individual incomes shall be deemed to be revenue for the State or territory from which it is collected to be used for educational purposes only, without an Federal direction or control.

H.R. 14640. July 1, 1976. Ways and Means; Small Business. Amends the Small Business Act to define small business concerns called family enterprises which will entitle them to a minimum percentage of loans under such Act. Requires that rules and regulations are promulgated to reduce the burden on family enterprises of furnishing information to the Government including simplification of specified tax forms.

H.R. 14641. July 1, 1976. Agriculture. Amends the Consolidated Farm and Rural Development Act to make operating and real estate loans under such Act available to private domestic corporations and partnerships engaged in farming or ranching.

Provides for congressional authorization of program levels under such Act.

H.R. 14642. July 1, 1976. International Relations. Amends the International Claims Settlement Act of 1949 to direct the Foreign Claims Settlement Commission of the United States to determine the validity and amounts of claims by United States nationals against the German Democratic Republic for losses arising from nationalization, expropriation, or other taking of property. Specifies procedures for such determinations.

Directs the Secretary of the Treasury to establish a Claims Fund and to make settlement payments certified by the Commission.

Sets forth procedures and regulations for such payments.

H.R. 14643. July 1, 1976. Rules Require review of Federal programs to determine if they warrant continuation. Directs the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 14644. July 1, 1976. Ways and Means. Amendments the Internal Revenue Code to allow a tax deduction in an amount not to exceed $1,000 for amounts paid by the taxpayer to an eligible educational institution for tuition for the attendance of the taxpayer or any eligible dependent.

H.R. 14645. July 1, 1976. International Relations; Public Works and Transportation. Revises the authorization for United States participation in the International Tijuana River flood control project to decrease the

amount authorized for construction purposes. Establishes additional criteria for United States participation in land acquisition for such project.

H.R. 14646. July 1, 1976. Veterans' Affairs. Names a Veterans' Administration hospital.

H.R. 14647. July 1, 1976. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax an amount equal to the qualified land conservation expenditures paid or incurred by the taxpayer.

H.R. 14648. July 1, 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.

H.R. 14649. July 1, 1976. Banking, Currency and Housing. Creates the National Consumer Cooperative Bank, the Self-Help Development Fund, and the Cooperative Bank and Assistance Administration to assist in the formation and growth of consumer and other types of self-help cooperatives.

H.R. 14650. July 1, 1976. Science and Technology. Establishes a National Earthquake Hazards Reduction Conference.

Enumerates the duties of the Conference including: (1) the formation of a national program to develop capabilities for earthquake hazards reduction; (2) the establishment of means for disseminating earthquake prediction information and technical assistance; (3) the coordination of earthquake and related hazard research programs; and (4) the establishment of an earthquake prediction board.

EXTENSIONS OF REMARKS

NEW RIVER GORGE BRIDGE SYMBOLIZED BY REVEREND WICKLINE'S PRAYER

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 27, 1976

Mr. RANDOLPH. Mr. President, construction of the world's longest steel arch bridge is progressing across the New River Gorge in Fayette County, W. Va. When completed, the 3,030-foot long New River Gorge Bridge will be an integral part of the Appalachian Corridor System connecting Interstate 79 near Sutton and Interstate 77 near Beckley. This highway will make a section of West Virginia accessible by modern highway across terrain that heretofore has discouraged development of this part of our home State.

It was my pleasure recently to participate in a ceremony marking the closing of the giant steel arch soaring 876 feet above the beautiful New River canyon. It is difficult to use words that adequately match the majesty of this spectacular scenic area and the achievement in the building of this bridge.

On this occasion, the invocation delivered by the Rev. Billy Reed Wickline of the Fayetteville United Methodist Church was movingly appropriate. I wish to share his thoughts with my colleagues, and I ask unanimous consent that the Reverend Wickline's invocation be printed in the RECORD.

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

INVOCATION BY THE REV. BILLY REED WICKLINE

O Almighty God, Creator of all things: Thou hast arched the heavens above us and enriched the earth beneath us and allowed the trees of the forests to clap their hands and the hills to break forth into singing. Thou hast put hymns in the waters and sermons in stone and strength in steel. We praise Thee for this matchless morning and the occasion of this celebration. We sing unto Thee, O Lord, a new song, for Thou hast done marvelous things!

We thank Thee O Father for the vision for this structure; the task to build it and the strength to continue and complete this handiwork. We beseech Thy blessings upon all who are gathered this day in this place and praise Thee for all Thy people. Thanks be unto Thee for the draftsman who designed it; the engineers who surveyed it; the skilled workmen who have thrilled to the labor and construction of it; for those who have forged the steel and scaled the heights to assemble it; for those who have kept daily vigil in watching it rise. Guard the traffic that shall travel across it that no tragedy may befall them.

We pause in gratitude for those who have sacrificed for the realization of this dream, those who have given their life and those who have received bodily injury in its construction; we remember before Thee, the families who have sacrificed in separateness for its building and those whose sacred soil and homes were yielded for this measure of progress.

O Eternal God, grant this structure to stand as a stalwart sentinel of service, bridging not only the gorge beneath it but the human rifts to lessen our travel and bind communities of our state and the welding of new relationships across our country.

As this bridge towers above the canyon winds and weathers the torrents of rain and eternal snows, let it be to us a symbolic rainbow like God's first one, offering unalterable promises for Thy glory and man's obedience. Allow it to be no novelty, nor permit the labors upon it to be perishable, but continue Thy Presence upon all through its completion, through Jesus Christ our Lord . . . Amen.

PUERTO RICAN INDEPENDENCE DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1976

Mr. RODINO. Mr. Speaker, I am honored to have this opportunity to pay tribute to the people of Puerto Rico who are celebrating the 21st anniversary of enactment of the Puerto Rican Constitution.

Puerto Rican Independence Day is especially important, because it symbolizes what Puerto Rico represents for the rest of the world. Ever since the end of the Spanish-American War, in 1898, the Puerto Rican people have sought to make their concepts of freedom and justice into reality. Their steadily expanding political participation eventually prompted President Truman, on July 3, 1950, to sign an act authorizing the people of Puerto Rico to draft a constitution of their own; since that time the destiny of the people of Puerto Rico has been linked with that of all Americans in the common bond of freedom. With all the troubles which have beset this relatively small island over the past two centuries, it has staked its pledge to representative democracy and held firm.

The rise of democracy in Puerto Rico has been paralleled in the past two decades by substantial improvements in the quality of life there, and I am certain this commitment to progress will continue in the future. I salute the Governor of the Commonwealth of Puerto Rico, Hon. Rafael Hernández-Colón and the Resident Commissioner Jaime Benitez for their continued leadership and dedication to the people of Puerto Rico.

Mr. Speaker, Puerto Rican citizens also occupy the mainstream of American society, contributing to the public good in many ways. The accomplishments of Puerto Ricans have been very evident in my home city of Newark, N.J., with an increasing number of fine public servants such as Newark's Deputy Mayor Raymond Arneses; my good friend Marie Gonzolez, of the Human Rights Commission; Hosea Rosario, president of the Puerto Rican Congress of New Jersey and Tony Perez of FOCUS, to name a few. As we celebrate the birth of our Nation, we are reminded that the character of America is strengthened by the ethnic diversity of our people.

Mr. Speaker, I am pleased to call to my colleagues' attention the celebration of New Jersey Puerto Rican Day this year. It will be a significant and joyous occasion when, on August 1, 1976, New Jersey holds its statewide parade to honor the countless contributions of Puerto Rican Americans. I commend the parade chairman, Miguel Rodriguez, and the master of ceremonies, Raul Davile, and I am proud to offer my congratulations and thanks to Puerto Rican Americans, who mean so much to the American experience.

A TRIBUTE TO SEYMOUR ROBINSON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 1976

Mr. WAXMAN. Mr. Speaker, it is my pleasure to join the Westside Community Center of the Jewish Center Association in paying tribute to Seymour Robinson.

Mr. Robinson will be presented with the Man of the Year award by Mayor Tom Bradley on Thursday, July 29, 1976, at the Health Club Award Night to be held in the Weinberger Auditorium of the Westside Jewish Center.