To be major general, Medical Corps

Brig. Gen. Enrique Mendez, Jr., xxx-xx-xx... xxx-... Army of the United States (colonel, Medical Corps, U.S. Army).

To be brigadier general, Medical Corps

Col. Bernhard Theodore Mittemeyer, xxx-... xxx-xx-xx... Medical Corps, U.S. Army.

The following-named Army Medical Department officer for appointment in the Regular Army of the United States, to the grade indicated, under the provisions of title 10, United States Code, sections 3284, 3306 and 3307.

To be brigadier general, Medical Corps

Brig. Gen. William Sinclair Augerson, xxx-xx-xxxx Army of the United States (colonel, Medical Corps, U.S. Army).

CONFIRMATIONS

Executive nominations confirmed by the Senate November 29, 1977:

DEPARTMENT OF JUSTICE

Herman Sillas, Jr., of California, to be U.S. attorney for the eastern district of California for the term of 4 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate

THE JUDICIARY

Monroe G. McKay, of Utah, to be U.S. circuit judge for the Tenth Circuit.

HOUSE OF REPRESENTATIVES—*Tuesday, November 29, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Only fear the Lord and serve Him faithfully with all your heart; for consider what great things He has done for you.—I Samuel 12: 24.

Eternal Father, who has been with us in our going out and our coming in and has brought us together, this day we pray for wisdom and strength as we continue our work. In the midst of differences of opinions may there be no differences in relationships and though we disagree in part may we remember our agreements are greater and deeper. Beyond our personal likes and dislikes may we seek the highest good of our beloved country. Grant that Your Spirit may move mightily through our people that they and we may walk in Your way and be willing to do Your will.

We thank You for the splendid career of our beloved Senator MCCLELLAN who has gone home to be with You. Bless his family with the peace of Your presence and give them courage to live through the days that be ahead.

In the spirit of the Master we pray. Amen.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, under rule I, clause 1 of the rules of the House, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 746]

Abdnor	Dicks	Krueger
Alexander	Diggs	Le Fante
Ambro	Dingell	Livingston
Andrews, N.C.	Eckhardt	Marienee
Applegate	Edwards, Calif.	Mazzoli
Armstrong	Fithian	McCloskey
Badillo	Flippo	McDonald
Beard, Tenn.	Ford, Tenn.	Meeds
Bedell	Giaimo	Mikva
Biaggi	Goldwater	Moss
Blouin	Gonzalez	Myers, Michael
Bolling	Harsha	Pepper
Bonior	Heckler	Quayle
Brodhead	Hillis	Roberts
Burke, Fla.	Holtzman	Roe
Burton, John	Hughes	Rose
Chisholm	Jenkins	Rosenthal
Cleveland	Jones, Tenn.	Rousselot
Cochran	Jordan	Ruppe
Conyers	Kasten	Santini
Cunningham	Kastenmeier	Scheuer
Davis	Kelly	Smith, Nebr.
Dellums	Kemp	St Germain
Dent	Koch	Teague
Tsongas	Walsh	Yatron
Udall	Whalen	
Van Deerlin	White	

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

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

THE JOURNAL

The SPEAKER pro tempore. 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.

TRIBUTE TO THE LATE HONORABLE JOHN L. MCCLELLAN

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

Mr. THORNTON. Mr. Speaker, it is with a deep sense of personal loss that I report to my colleagues in the House of Representatives the death of Arkansas' senior Senator, JOHN L. MCCLELLAN.

Senator MCCLELLAN served in the House of Representatives during the 74th and 75th Congresses, representing the Sixth Congressional District of Arkansas which included the town of Sheridan, which was his hometown, and my own.

He died peacefully in his sleep yesterday, November 28, and in this moment of loss to our State and our Nation my thoughts are with Senator MCCLELLAN'S wife, Norma, and all his family. I know he had looked forward to his retirement which he announced last week because he truly enjoyed being with his family.

He was a great and good man who gave all he had to bring into reality the goals he believed to be worthwhile. The many achievements which resulted from his good works will long remind us of his strong and effective service to the people.

He was my friend and I will miss him very much.

Mr. Speaker, I yield to the dean of the Arkansas congressional delegation, our colleague JOHN PAUL HAMMERSCHMIDT.

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to join with my Arkansas colleagues in arranging for a special order later this week to honor one of the finest men ever to serve in the Congress: The late JOHN L. MCCLELLAN, of Arkansas. Today, our State mourns, deeply, the passing of this greatest of its sons. For more than 38 years, he served, faithfully and well, the people of Arkansas and the people of the United States—first in the House, and, later, in the Senate.

I would hope that all of my colleagues in this body will take this forthcoming opportunity to join in a special tribute to this very special man.

Mr. THORNTON. I thank the gentleman from Arkansas.

Mr. Speaker, I yield to my distinguished colleague from Arkansas, the Honorable JIM TUCKER.

Mr. TUCKER. Mr. Speaker, I thank my friend, the gentleman from Arkansas (Mr. THORNTON) for yielding.

Mr. Speaker, JOHN L. MCCLELLAN was a magnificent advocate for great principles. He believed in the importance and dignity of politics and government and spent 50 years of his life in that role. He was our U.S. Senator for my entire life. He was my employer. The first job I ever had in Washington was working for him. He was my colleague. I was proud I was able to serve my country with him for these past 11 months.

His loss leaves a great void for the State and the Nation and me personally.

I join my colleagues in mourning his loss and I look forward to joining them later in the week in the special order for that purpose.

Mr. THORNTON. Mr. Speaker, as has been previously stated, there will be a special order announced later during which Members of the House may express their respect for our colleague and friend.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON HOUSE JOINT RESOLUTION 662, CONTINUING APPROPRIATIONS FOR DISTRICT OF COLUMBIA FOR FISCAL YEAR 1978

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the joint resolution (H.J. Res. 662) making further continuing appropriations for the District of Columbia for the fiscal year 1978, and for other purposes.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1340, ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AUTHORIZATION ACT OF 1978—CIVILIAN APPLICATIONS

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95–821) on the resolution (H. Res. 916) providing for consideration of the Senate bill (S. 1340) to authorize appropriations to the Energy Research and Development Administration for energy research, development, demonstration, and related programs in accordance with section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 662, CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1978

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95–822) on the resolution (H. Res. 917) providing for consideration of the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUBCOMMITTEE ON PROGRAM AND BUDGET AUTHORIZATION OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO SIT TODAY UNDER THE 5-MINUTE RULE

Mr. BURLISON of Missouri. Mr. Speaker, I ask unanimous consent that the Subcommittee on Program and Budget Authorization of the Permanent Select Committee on Intelligence may be permitted to sit during today's proceedings of the House under the 5-minute rule.

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

There was no objection.

RESOLUTION COMMENDING ANWAR EL SADAT PRESIDENT OF EGYPT, AND MENACHEM BEGIN, PRIME MINISTER OF ISRAEL

Mr. WRIGHT. Mr. Speaker, I send to the desk the concurrent resolution (H. Con. Res. 417) commending Anwar el Sadat the President of Egypt, and Menachem Begin, the Prime Minister of Israel, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 417

Resolved by the House of Representatives (the Senate concurring), that it is the sense of the Congress that Anwar el Sadat, the President of Egypt, and Menachem Begin, the Prime Minister of Israel, be commended for the courageous steps they have taken to resolve the differences between their nations and to bring peace between Israel and her Arab neighbors through face to face negotiations in the context of a Geneva conference. We hope this will result in further face to face negotiations which will lead to a comprehensive, just and durable peace.

The SPEAKER pro tempore. The gentleman from Texas (Mr. WRIGHT) is recognized for 1 hour.

Mr. WRIGHT. Mr. Speaker, the concurrent resolution I offer today is cosigned by the minority leader, and it is self-expressive. It needs little additional elaboration.

I believe all of us feel strongly that the bold and courageous initiative taken by President Anwar el Sadat of Egypt and the gracious response on the part of Israel by Prime Minister Menachem Begin have constituted the greatest step forward in the last 30 years toward peace in the Middle East.

It seems appropriate, therefore, that we in the Congress express our commendations and our hopes that this bold step taken by these two leaders, and through them by their respective peoples, may lead to the kinds of negotiations that will result in a just and lasting peace in the Middle East.

The resolution is additionally cosponsored by approximately 50 other Members, whose names I would like to list at this point:

Brademas, Rostenkowski, Zablocki, Fascell, Rosenthal, Dodd, Bingham, Foley, Long of Louisiana, Yates, Fountain, Rooney, Alexander, Howard, Carney, Moakley, Danielson, Waxman, Blanchard.

Quillen, Skubitz, Hamilton, Carter, Hammerschmidt, Fraser, Cochran, Solarz, Wolff, Pepper, Zeferetti, Boland, Bonior, Thompson, Le Fante, Young of Missouri, Reuss.

Guyer, Ketchum, Corman, Marks, Hyde, Cornwell, Kildee, Flood, Conte, Edgar, Krebs, and Corrada.

Mr. RHODES. Mr. Speaker, would the distinguished majority leader yield?

Mr. WRIGHT. Of course, I yield to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I thank my distinguished friend.

Mr. Speaker, I welcomed the action on the part of the majority leader in introducing this resolution. I was most pleased to cosponsor it. I agree with the majority leader that the things which have occurred in the Middle East in the last 10 days constitute the most hopeful signs of a course toward peace that we have seen in that part of the world.

I am particularly pleased that the majority leader and several Members of this body were in the Knesset at the time the speech was made by the President of Egypt. I think it served more eloquently, perhaps, even than this resolution to signify the fact that this body is most interested in promoting peace in that part of the world.

We all take much satisfaction in the step the President of Egypt and the Prime Minister of Israel have taken. I hope that the initiative which has been taken by these two great statesmen will result in a momentum which will continue to a peaceful solution.

I am also pleased that the President of Egypt has called a conference for the purpose of discussing the ground rules for a Geneva Conference, so that many divisive and yet relatively unimportant matters of procedure could be taken care of before a plenary session of the Conference is convened.

I think that this is very definitely a step in the right direction, and I hope that the nations of the world will respond positively to the initiative of the President of Egypt.

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

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

Mr. CARNEY. Mr. Speaker, it was my privilege and honor to be one of the Members, under the leadership of JIM WRIGHT, to be on this team. I think President Sadat and Prime Minister Begin are to be honored, but also I would be remiss if I did not say that great leadership was shown by our two leaders, Mr. WRIGHT, representing the majority party, and Mr. QUILLEN, representing the minority, resulted in a beautiful job in expressing the hopes and desires of the American people for peace, as well as those of the people in the Middle East.

I want to say that I think it was a wonderful trip, and I want to thank Chairman WRIGHT for his wonderful leadership.

Mr. WRIGHT. I thank the gentleman.

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

Mr. WRIGHT. I yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Speaker, I would like to commend the distinguished gentleman from Texas, who lead our delegation, for his wonderful work. I also wish to commend the gentleman from Tennessee, our ranking minority Member. Certainly, I want to commend Mr. WRIGHT for introducing this resolution, of which I am a cosponsor.

Further, I want to state that no man ever led a delegation more honorably, more astutely, or spoke as well to groups of varying beliefs, than the distinguished gentleman from Texas. He made the entire delegation proud of his actions.

Of course, during the time we were in Egypt and in Israel, we saw their great hopes for peace, and we trust that through the efforts of President Anwar Sadat and Prime Minister Begin, that in the future these hopes will become a reality. I thank the distinguished majority leader for yielding to me.

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

Mr. WRIGHT. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Speaker, I want to join in commending the distinguished majority leader for the joint resolution he has brought up today. I am pleased to join him in cosponsoring the resolution and am proud of the role the United States has played in developing the atmosphere in which the latest Egyptian-Israel peace efforts are being conducted.

I believe it is important that Congress be aware of the major foreign policy developments in the world. For that reason,

I was pleased to be a member of the leadership delegation which met with President Sadat and Prime Minister Begin earlier this month. The bipartisan delegation was able to demonstrate congressional concern for peace in the Middle East at a very critical and historic moment. In addition, we came away with a much greater understanding of the difficult problems yet to be resolved before peace can be achieved in the Middle East.

I was disappointed to note that the Hutchinson News and the Ottawa Herald, the two major international news authorities in my State, found little of importance in the historic meeting and our leadership delegation except to criticize a Congressman from Kansas for being present.

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

Mr. WRIGHT. I yield to the gentleman from Michigan.

Mr. BLANCHARD. I thank the majority leader for yielding to me.

Mr. Speaker, I too want to commend our majority leader and our ranking Republican minority Member, Mr. QUILLEN, and all those on the mission committees, for the leadership they exercised. I particularly want to commend the majority leader for allowing some of the lesser known Members to go on the trip and to participate fully in all meetings and discussions.

I think it is noteworthy that our distinguished majority leader, representing the United States with eloquence in a way in which all of us would be proud, has followed up the mission with the resolution he has introduced today. I support the resolution, and thank the gentleman for yielding.

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

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

Mr. GILMAN. I thank the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT) for yielding to me. I rise to join with my colleagues and the distinguished minority leader in voicing support for this important, timely resolution supportive of the Middle East initiatives offered by the distinguished majority leader.

I, too, join with my colleagues in expressing appreciation to our majority leader and the members of his delegation for having represented the Congress in the Knesset at the time of this historic visit and address by President Anwar Sadat.

By initiating direct negotiations on Israeli soil between their respective nations, which have been the major antagonists in the Middle East through 30 years of war and shortlived peace, Prime Minister Begin and President Sadat have heralded a new era of optimism and diplomatic flexibility in which the Arabs and the Israelis can hopefully resolve the fundamental conflicts which have marked the constant turmoil between their two worlds. Not only has Egypt finally recognized the sovereignty of the State of Israel and its right to defensible borders, but has accomplished an enormous psychological breakthrough by making possible an ongoing, face-to-face dialog between Israel and the Arab world. President Sadat's visit to Israel has generated a momentum which will result in further negotiations, hopefully including the leaders of other Arab countries, and eventually could very well lead to a durable and lasting peace in the Middle East. At this time Jordan, the Sudan, and Morocco, Tunisia and Saudi Arabia have indicated their own tacit approval of these negotiations. At the very least, there now exists an opportunity to establish diplomatic and trade relations between Israel and Egypt.

Certainly, there are many tough decisions to be made, many compromises to reach, and innumerable historic walls to dismantle, but the first step has been taken. In the words of Abba Eban,

> The existence of a dialog doesn't insure success, but the absence of it insures failure.

In urging my colleagues to fully support this resolution, I hope and pray that this bold initiative will lead to a long-lasting harmony in the Middle East.

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

Mr. WRIGHT. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Speaker, I would like to associate myself with the remarks made by the majority leader, the minority leader, and others who have spoken in support of this resolution, which I was happy to join in introducing.

Mr. Speaker, we have witnessed in the last 2 weeks one of the most notable events in the history of the world. The leaders of two principal nations involved in a major conflict of long duration have met face to face. Beyond that, one of them has traveled to the other country and spoken to that parliament in an appeal for peace.

Rarely before have two men acted so courageously in search of peace. One of the more encouraging aspects of this whole series of events is that they apparently represent the sentiments of their countrymen. Only a short time ago, many observers of the international scene would have predicted that their actions would have been fruitless at best—that they were working counter to the feelings within each country. In fact, both the Israeli and Egyptian people have demonstrated large measures of support for their leaders' initiatives in search of a settlement.

President Sadat and Prime Minister Begin deserve the wholehearted commendations and support of the people of the United States. We should appeal to the world to support the search for a permanent peace in the Middle East. The opportunity is now before us and we should take advantage of it.

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

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

Mr. ROONEY. I thank the gentleman for yielding.

Mr. Speaker, I want to commend the majority leader. Also, I would like to associate myself with the remarks made by the gentleman from Texas, and I am very pleased to be a cosponsor of this resolution.

Having shared with the majority leader and other of our colleagues the extraordinary opportunities for direct discussions with President Sadat, Prime Minister Begin, and many more key officials of Egypt and Israel, I am convinced that there exists today a real willingness on both sides of the Middle East dispute to reach agreements which can restore peace.

The fact that an American delegation headed by the majority leader of this House had scheduled visits to Egypt and Israel to meet with the principal officials of both, I am firmly convinced, helped bring about in such short order the startling visit to Israel by President Sadat.

Together, the leaders of those Nations have begun the critical first steps to negotiate peace. Their meeting provided some immediate results—restoration of telephone communication between Israel and Egypt, the presence of the Arab press in Jerusalem, a commitment of Egyptian help to restore a Mosque in Israel. Each of them is but a small development to be sure but of such tremendous importance in light of Israeli-Egyptian relations only 3 weeks ago.

Now, President Sadat has invited other Arab leaders and Israeli officials to come to Egypt this weekend to prepare for resumption of peace talks in Geneva. If the Arab nations are sincere in their desire to resolve the difficult issues which have disrupted the Middle East for three decades, this meeting in Egypt is their opportunity to demonstrate that sincerity. Sadat and Begin have taken bold initiatives and have shown determination to press toward productive negotiations. The rest of the Arab world is remiss if it fails to participate.

Mr. ZABLOCKI. Mr. Speaker, I rise in support of House Concurrent Resolution 417, commending President Anwar el Sadat and Premier Menachem Begin for their courageous efforts to bring peace to the Middle East.

The historic meeting between President Sadat and Premier Begin in Jerusalem on November 19 began a dialog, which, despite current divisions among the Arab nations, will hopefuly pave the way toward further fruitful negotiations in the context of the Geneva Conference—negotiations which, as stated in the resolution, will lead to a comprehensive, just and durable peace in that crucial area of the world.

It has been said that peace does not break out like war. Rather, peace comes as a result of accommodation and understanding amongst the parties concerned. The meeting in Jerusalem was a giant step for the people of the Middle East, and, indeed for the people of the world in that process. The meeting, however, was only a beginning. It is in the interest of all parties concerned that this beginning be nurtured and that the process toward a just and lasting peace be continued to a successful conclusion.

Mr. Speaker, I commend the distinguished majority leader and the distinguished minority leader for their efforts to being this resolution before us today and urge its adoption.

Mr. BINGHAM. Mr. Speaker, President Anwar Sadat's peace initiative is a

truly remarkable event. For so many years it has seemed that Arab rejection of Israel made peace an impossible dream. Then with a suddenness most often associated with a lightning military maneuver, Sadat was in Israel. The Israeli military band played the Egyptian national anthem and President Sadat stood at attention for the Hatikva. Sadat reviewed the Israel troops. Sadat and Prime Minister Begin visited Yad Vashem, the Holocaust memorial, together and then Sadat addressed the Knesset. Sadat and Golda Meir joked together and Begin and Sadat discussed their grandchildren. Not since man walked on the Moon have we seen images quite so remarkable, and, in that case, the sight was not so totally unexpected.

Those who say that the events in Jerusalem were of little consequence and that nothing has really changed are mistaken. Peace is still a long way off, but everything has changed. Today marks the 30th anniversary of the United Nations resolution which authorized the establishment of the State of Israel and in all that time Israel's existence has been in effect rejected by her Arab neighbors. Israel cannot be found on maps sold in Arab countries. There are no telephone communications. The short rail trip from Haifa to Beirut has not been made in three decades. The most terrible result of the Arab rejection of Israel was that Israel has been forced to fight incessantly for physical survival—with a loss of 10,000 men. Until the Sadat visit, there was every reason to believe that another war was likely, if not inevitable.

The Sadat mission was an effort to break out of the 30-year pattern of Arab threats, nonrecognition, and attacks. With wisdom all too rare, President Sadat recognized that to follow old paths could only bring his nation more widows, fatherless children, and continued erosion of Egypt's economic base. With the introduction of more and more sophisticated weapons to the Middle East, Sadat realized that without a bold initiative to bring peace terrible destruction loomed. Sadat made his move.

He met a joyous reception in Israel. That was no surprise. Israel's leaders have consistently called for direct negotiations with Arab leaders and have said that they would go anywhere in the cause of peace. The people of Israel cheered Sadat wherever he went. From his arrival at the King David Hotel where a thousand Israelis chanted "Sa-dat Sa-dat" to his departure route to Ben Gurion Airport which was lined with applauding Israelis, the people of that nation made it clear that for them Sadat was a hero. In their yearning for peace, they were willing to put aside memories of 30 years of hostilities and of the Yom Kippur attack of just 4 years ago which left 3,000 dead and the nation stunned.

Upon his return to Egypt, President Sadat was greeted by over 1 million of his countrymen. In the past 2 weeks cheering crowds have applauded Sadat and hailed him as the "man of peace." The Egyptian people has demonstrated that its desire for peace is as strong as that of the people of Israel. It is clear that President Sadat's initiative is not merely the product of the thinking of one farsighted leader but that it is a product of the feelings and aspirations of millions of his countrymen.

Nevertheless there are those in the Arab world who refuse to accept the Sadat initiative. Syria, Iraq, Libya, and the PLO have filled the Mideastern airwaves with denunciations and threats. Libya and Iraq have called for Arab summits to oppose Sadat. Spokesmen have called for Sadat's assassination, while the PLO's representative at the United Nations has warned that the people of Egypt will deal with Sadat. Other "rejectionists" have advocated an economic boycott of Egypt. It is all rather familiar. Arab extremists from Damascus to Tripoli are threatening to employ the same tactics against Sadat and Egypt that were used for 30 years against Israel. Interested not in a negotiated peace but in the annihilation of Israel, they will fight anyone who places obstacles on the road to war and destruction.

These violent attacks on Sadat's initiatives tend to vindicate Israel's longstanding refusal to negotiate with the PLO. Despite the PLO's much proclaimed concern for the Palestinian Arab people, it turns its back on a peace initiative that could well lead to a solution for the Palestinians. Israel has understood all along that peace could only become a real possibility when Arab leaders openly and unabashedly accept Israel as a neighbor. The PLO could never do that, but Israel was prepared to wait until legitimate Arab leaders could. In a real sense, Israel has been waiting for Sadat for 30 years. His journey to Jerusalem demonstrated that Israel was right in holding out.

The United States should do everything in its power to facilitate the success of the Sadat initiatives. I am pleased that the United States will join Israel and Egypt at the Cairo conference which is to lay the groundwork for Geneva. The road to a peaceful settlement, and even the road to Geneva, still appears long and hard. It is difficult to believe that the Arab States now vehemently denouncing Sadat for his Jerusalem journey would be serious negotiating partners at Geneva. The United States should continue to encourage all states to come to Geneva, but at the same time we must not underestimate the significance and value of the Israel-Egyptian process now underway. An overall settlement is a dazzling goal, but may be impossible at present. Certainly a resolution of the differences between Egypt and Israel, now clearly within reach, would be a long step in the right direction. The Sadat-Begin meeting began a process we must nurture with care, and as we do so let us not assume that "papa always knows best."

Mr. ROGERS. Mr. Speaker, I join my colleagues in this expression of support for the recent peace initiatives by the Governments of Egypt and Israel.

Last week the State of Israel played host to a momentous event in the history of the Middle East when President Anwar Sadat was welcomed into Jerusalem by Prime Minister Menachem Begin.

The reception of the Egyptian head of state in the historic capital of Israel was a bold action by both governments.

It was not an easy thing to do. Both governments acted in the context of a history of strife and conflict which has touched the lives of all citizens of both countries. In both countries, thousands of families have lost loved ones to this conflict.

In this joint action, the two governments have indicated that they place the goal of a lasting peace for their peoples above past bitterness. Under the most difficult of circumstances, they have cleared away obstacles to discussion of their differences.

Of course, these differences are substantial and deeply held. The road to peace must necessarily remain a difficult one. And for this reason, most have received the news with cautious optimism.

But all must recognize that with this bold action, the two governments have greatly increased the prospects for a just peace and recognition once and for all of the right of Israel to exist.

The world is grateful to them, and now we must pledge our continued support in the difficult negotiations to come.

Mr. ADDABBO. Mr. Speaker, I wish to associate myself with the resolution offered by the gentleman from Texas (Mr. WRIGHT) regarding the events in the Middle East. I too believe the world owes President Sadat of Egypt a debt of thanks for having the courage to end 30 years of bitterness and hate through the simple expediency of going personally to meet with Israeli leaders.

It was at one time a bold and courageous step which was desperately needed to break the impasse that has for so long frustrated all efforts to bring peace to that troubled section of the world.

All of us here hope that the parties in dispute in the Middle East go to Geneva and sit together and resolve their problems diplomatically, rather than resorting once again to the last resort that warfare represents.

Those of us who have long hoped for an end to the fighting in the Middle East have more reason for optimism today than we have had in years. Both the Israeli and the Egyptian Governments deserve our applause for the steps they have taken to bring peace a step closer. We urge the other Arab leaders to join with President Sadat in working to promote peace rather than hatred. President Sadat has taken a noble step forward that cannot be allowed to wither through intransigence. In supporting the Wright resolution today, the House has put itself on the side of justice and decency in the Middle East.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the resolution and commend the majority leader and the other Members involved for their bipartisan efforts in advancing the cause of peace in the Middle East. All Americans have become greatly encouraged by the initiatives taken by President Sadat of Egypt and Prime Minister Begin of Israel, and while we realize this is only a tentative first step, and not the occasion to minimize the great problems which must be solved before true peace

can come to the Middle East, it is still a beginning.

While our hopes are high we must appreciate that conflicting interests in that region require we maintain a sense of realism, and not become overly optimistic. At the same time, we must not let down our guard, nor abandon our efforts to search for new avenues which provide a promise of peaceful settlement of disputes.

The Middle East is extremely important, not only to the United States, but to the peace and stability of the entire world.

I completely support the efforts made to enhance the prospects for peace.

Mrs. HOLT. Mr. Speaker, I believe the House should be aware of the contribution made by Chairman MELVIN PRICE of the Armed Services Committee to the search for peace in the Mid East.

Under his leadership, several of us recently journeyed to the Mideast to review the security needs of our allies in that troubled part of the world.

On November 10, the very day after Egyptian President Sadat announced that he would be willing to go to Israel in the quest for peace, we met with Israeli Prime Minister Begin. Mr. Begin knew we would be in Egypt the following day, and he urged us to tell President Sadat that he would be welcome in Israel, that Mr. Begin shared the desire for face-to-face negotiations.

Chairman PRICE carried that hopeful message to President Sadat and told him of Mr. Begin's sincerity. Because of President Sadat's confidence in Chairman PRICE and the Armed Services Committee we were able to make an important impact on the sensitive moves toward the historic meeting in Jerusalem.

The events I have described have reinforced my confidence and pride in Chairman PRICE. As our spokesman, his knowledge and skill had tremendous value. His leadership enabled us to have very rewarding discussions with Prime Minister Begin and President Sadat on many significant issues.

GENERAL LEAVE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this concurrent resolution.

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

There was no objection.

Mr. WRIGHT. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOLY CROWN OF ST. STEPHEN

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, today hundreds of Hungarian-Americans from across the country are uniting in Washington to let their views be known to Congress and to the President of the United States. They do not want the precious Holy Crown of St. Stephen, which symbolizes their religious and personal freedom, returned to a Communist regime which is the antithesis of human rights. These brave people have weathered the icy rain but their hearts are warm and they are right now exercising their freedom of expression in front of the White House, something that does not exist in the Communist countries. At 2 p.m. these people will be on the Capitol steps to greet Members of the House. I urge my colleagues to meet them and listen to their pleas.

MAYFIELD, KY., HIGH SCHOOL

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

Mr. HUBBARD. Mr. Speaker, yesterday I attended a celebration at the high school in my hometown of Mayfield, Ky., in honor of the Mayfield High School football team. The team became class AA State champions last Friday by defeating Corbin, Ky.; high school 14–13 in a game played at Richmond, Ky.

I want to congratulate my hometown high school team, the Mayfield Cardinals upon winning this championship and attaining a 12–1 season record.

Among the very proud in Mayfield are School Superintendent Don Sparks and the school's principal, Ralph Colby.

Special congratulations to Head Coach Jack Morris and Assistant Coaches Louis McDonald, Joe David Smith, Doc Sanders, Paul Leahy, and Bob Counts.

Deserving congratulations also to the 27 players who participated in the championship game, namely: Jeff Boyd, Jeff Puckett, Joey Shelton, Greg Hawkins, David Wyatt, Richard Riley, David Slaughter, Tom Nelson, Jim Waldrop, Lee Lovelace, Jeff Jackson, Gary Hobs, Darrin McAfee, Bubba Hendley, Jesse Holder, Brad Sparks, Phil Sutherlin, Chet Wiman, Bob Isbell, Robert Hawkins, David Elliott, David Madding, George Taylor, Mark Brown, John Dillard, Craig Sims, and Brian Berhow.

A TRIBUTE TO THE TEXAS LONGHORNS

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

Mr. PICKLE. Mr. Speaker, and Members of the House, when the distinguished gentleman from Massachusetts, Speaker THOMAS P. O'NEILL and majority leader JIM WRIGHT came to Austin, Tex., on September 10 for the opening game of the 1977 college football season between the University of Texas and Boston College, not even the astute Speaker of the House realized that he was witnessing the launching of a national championship season for the Texas Longhorns.

The Longhorns beat Boston College 44 to 0 that day and with their combination of power and speed went on to win 10 more games, win the southwest conference championship and become the No. 1 ranked team in college football by both the Associated Press and the United Press International polls.

Two games after the victory over Boston College, the Longhorns shocked the Nation by defeating an excellent team from Oklahoma University. Perhaps it was then that the Longhorns, and everyone else, realized that this was a championship team.

They ended their regular season last Saturday by beating their traditional tough foes Texas A. & M. University by 57 to 28. In that game halfback Earl Campbell ran for 222 yards to make him the No. 1 ground gainer and scorer in the NCAA this season.

College football still brings as many thrills and chills as any other sport in our Nation. It is a good wholesome, American sport.

The No. 1 team—University of Texas—in that sport is composed of some of the finest young men that I have ever met including Earl Campbell, Randy McEachern, Ham Jones and Lam Jones, Alfred Jackson, Russell Erxleben, Brad Shearer, George James, Lance Taylor, Johnny Johnson, M. E. Michael, and many other young men who have worked hard together all season.

Coach Fred Akers has brought national honors to himself and the whole team. The Nation commends him and his team for their spirit and determination.

This year has been one of the finest in the history of Texas football and I am sure that the whole Nation will join in singing "The Eyes of Texas Are Upon You." Hook 'em Horns.

Mr. BRADEMAS. Mr. Speaker, I listened with some interest to the remarks of my distinguished colleague and valued friend from Austin, the gentleman from Texas (Mr. PICKLE), about the team that plays football down there, and I agree that it is a formidable outfit.

Indeed, I would remind the gentleman that he and I have engaged in wagers in respect to the outcome of Cotton Bowl games played between the University of Notre Dame and the University of Texas on two other occasions. Texas won once, and Notre Dame won once.

I want to take this opportunity to say that I think the Fighting Irish of Notre Dame are likely on the 2d of January next year to prevail again, and I am sure that my friend, JAKE PICKLE, and I can work out some suitable arrangement whereby he and I can once again do our part in insuring that the American people are made aware of which is the greatest football team in the United States.

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

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

Mr. PICKLE. Mr. Speaker, the last wager we had was a Texas football against an Irish shillelagh. That shillelagh was only about 4 or 5 inches long—a mighty weak and small item.

I would hope that the gentleman would come up with a better wager, and put more consideration into it.

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

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

Mr. ASHBROOK. Mr. Speaker, I wonder whether my friend, the gentleman from Indiana (Mr. BRADEMAS), might take into consideration that the team from Indiana might not be playing that particular game.

Mr. BRADEMAS. Mr. Speaker, it certainly will not be Ohio State.

APPOINTMENT OF CONFEREES ON H.R. 9418, CAPITATION GRANTS FOR THIRD-YEAR MEDICAL STUDENTS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9418) to amend the Public Health Service Act to require increases in the enrollment of third-year medical students as a condition to medical schools' receiving capitation grants under such act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and, without objection, appoints the following conferees: Messrs. STAGGERS, ROGERS, PREYER, SCHEUER, WAXMAN, CARTER, and BROYHILL.

There was no objection.

DECLARING STATE OF WAR AGAINST AMYOTROPHIC LATERAL SCLEROSIS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 26), expressing the sense of Congress that action should be taken to focus national attention on the extent and consequences of and the need to find a cure for amyotrophic lateral sclerosis, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resclution.

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

Mr. CARTER. Reserving the right to object, Mr. Speaker, I support Senate Concurrent Resolution No. 26 which calls attention to the disease amyotrophic lateral sclerosis—or ALS.

This resolution does not authorize any funds—but instead expresses the sense of Congress that action should be taken to focus national attention on this dread condition—and the need for finding its cure.

Mr. Speaker, ALS which is popularly known as "Lou Gehrig's disease" is a neurological disorder affecting adults, generally in the prime of their life.

ALS occurs in persons of every race and nationality but affects men three times more frequently than women.

This disorder is characterized by a degeneration of motor cells in the spinal cord and brain which leads rapidly to paralysis and ultimately death.

According to the Amytrophic Lateral Sclerosis Society of America more than 40,000 Americans have become victims of this condition and about 10,000 new cases are diagnosed every year.

To date no treatment has proven effective against ALS and the cause of this condition is still unknown.

However, important research is being conducted and supported by the National Institute of Neurological and Communicative Disorders and Stroke as well as by various private organizations.

The possibility that a virus might be the causal factor responsible for ALS is one idea which has been receiving considerable attention. Other research is in progress to determine additional factors which could cause the motor neurons to cease functioning. Moreover, the island of Guam which has a very high incidence of ALS has been one focus for research efforts.

Mr. Speaker, it is very important that research efforts in this field be continued and strengthened. If a cause-effect relationship could be established scientists would then have the basis for developing effective treatment for persons with ALS.

In conclusion I urge adoption of this resolution. It will help serve as an important rallying symbol for the concerned families, friends, organizations, and researchers who are devoted to finding a cure for this disease.

Thank you, Mr. Speaker.

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

Mr. CARTER. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, Senate Concurrent Resolution 26 was introduced in the Senate on May 18, 1977 by Senator CRANSTON and referred to the Committee on Human Resources. It was favorably reported by that Committee on October 20 and passed the Senate on November 4, 1977. The resolution calls for action to focus national attention on the extent and consequences of the disease called amyotrophic lateral sclerosis—ALS—and on the need to find a cure for this disease. The House comparable resolution, H. Res. 302, was first introduced by Mr. SOLARZ on February 17, 1977 and now has 231 cosponsors. On November 8, Mr. SOLARZ and Mr. ROGERS introduced House Concurrent Resolution 410 to conform the language of the earlier House resolution to that of the Senate-passed resolution.

Senate Concurrent Resolution 26 makes no changes in existing law and does not commit the expenditure of any Federal funds. It seeks only to bring attention to the serious nature of ALS and its severe and negative impact on the quality of life of its victims and their families, including economic, social, and psychological hardships. It notes the failure of biomedical research efforts to date in finding a cause and cure for ALS and recognizes the need for the development of effective methods of treatment.

Mr. Speaker, today I am pleased to present Senate Concurrent Resolution 26 to the House for its consideration. It expresses the sense of the Congress that action should be taken to focus national attention on the extent and consequences of ALS—the disease amyotrophic lateral sclerosis—and on the need for finding a cure for it.

ALS is also called Lou Gehrig's disease. It afflicts an estimated 40,000 people in the United States, and claims 10,000 new victims each year. According to the Amyotropic Lateral Sclerosis Society of America, ALS may have as great an incidence as multiple sclerosis and perhaps four times the incidence of muscular dystrophy. This frightening and devastating disease attacks the motor nerve cells of the adult nervous system which support the brain and spinal cord. The resulting paralysis does not, however, destroy the victim's intellectual capacity. The patient remains mentally alert throughout the course of the disease. Most victims survive only 3 years after the disease is diagnosed. The economic, social, and psychological effect of ALS on its victims and their families is catastrophic. At present, ALS victims have no hope. No effective treatment has yet been developed, nor has a cure been discovered. Further research on ALS is greatly needed. The National Institute of Neurological and Communicative Disorders and Stroke—NINCDS—at the National Institutes of Health is involved in many ALS-related research activities. The ALS Society of America is also supporting vitally needed ALS research and it should be commended for this work. But much more needs to be done.

The total incapacitation experienced by victims of ALS completely bars them from participating as active members of society. Since this disease affects mostly adults, the ALS Society of America estimates that our economy loses approximately $200 million a year due to the victim's loss of earning power. This figure is based on an average income of $7,000 per year. Government transfer payments for welfare and for aid to dependent children represent another substantial loss to our economy of approximately $400 million. These are the public expenses of this disease. The private expenses of the ALS victim and family are much, much greater—depleting not just the pocketbook, but the social and psychological well-being as well.

The Senate passed Senate Concurrent Resolution 26 on November 4 of this year under the able leadership of Senator CRANSTON. The Senate passage of this resolution was a step forward in this Nation's fight against ALS, and I believe this is a battle which should be joined by the House. In fact, this body has already demonstrated its support of this resolution since a similar version, House Resolution 302, introduced by Mr. SOLARZ, was cosponsored by 231 House Members.

Senate Concurrent Resolution 26 does not authorize any additional expenditures of Federal funds. It does not change existing law respecting Federal biomedical research programs and activities. Rather, its purpose is to help educate the public on the seriousness of ALS and to help create an atmosphere of public concern and commitment toward research efforts to find a cure for ALS.

I would like to thank and commend the sponsor of the House Resolution, Mr. SOLARZ, for his valuable and dedicated work on this resolution. I would also like to commend Senator CRANSTON for his strong commitment and support of the Senate ALS resolution. In addition, I want to extend a particular thanks to

the gentleman from Florida (Mr. ROGERS) for his strong support and interest in the House ALS resolution. Finally, a special thank you is due to each of the 231 House Members who lent their support to this measure by adding their names as cosponsors to House Resolution 302.

Mr. Speaker, in conclusion, I urge all my colleageus in the House to join me in support of this resolution which addresses itself to a disease which constitutes a sizeable public health problem in the United States—amyotrophic lateral sclerosis. I know that it will do much for the morale of ALS victims throughout our Nation and they will be grateful for a favorable vote in the House.

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

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

There was no objection.

The Clerk read the concurrent resolution as follows:

S. CON. RES. 26

Whereas amyotrophic lateral sclerosis, or Lou Gehrig's disease, constitutes a serious health problem in the United States in that it afflicts thousands of Americans annually;

Whereas the complications of amyotrophic lateral sclerosis significantly decrease the quality of life and have a major negative economic, social, and psychological impact on the families of its victims;

Whereas biomedical research efforts to date have been unsuccessful in finding the cause of amyotrophic lateral sclerosis;

Whereas the development of advanced methods of treatment of amyotrophic lateral sclerosis deserves national priority; and

Whereas the citizens of the United States should have a full understanding of the nature of the human, social, and economic impact of amyotrophic lateral sclerosis and of the need to discover its cause and to develop a cure: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that action should be taken to focus national attention on the extent and consequences of amyotrophic lateral sclerosis and on the need for finding a cure for this disease.

Mr. ROGERS. Mr. Speaker, on November 4, the Senate passed Senate Concurrent Resolution 26, a resolution which calls for action to focus national attention on the extent and consequences of the disease amyotrophic lateral sclerosis and on the need to find a cure for this disease.

Amyotrophic lateral sclerosis is commonly referred to as ALS, or Lou Gehrig's disease. It is a highly intricate and complex disease which affects the adult nervous system, progressively weakening the brain and spinal cord until the muscle tissue is wasted. It does not, however, impair the brain's intellectual function, so that the victim is fully cognizant of his worsening and painful condition. ALS creates substantial economic, social, and psychological hardships which impact not only on the victim, but on his family as well. A person afflicted with ALS can expect to survive no longer than 3 to 5 years and no cure for it has yet been found. The resulting drain on a family's finances is extensive.

ALS also causes a drain on the national economy. The Amyorophic Lateral Sclerosis Society of America estimates that the total number of ALS victims stands at approximately 40,000 in the United States, with at least 10,000 new cases documented every year. The society estimated that the economy suffers a loss of earning power of approximately $200 million a year due to heads-of-households afflicted with ALS. The annual loss to the economy from Government aid to dependent children and welfare is estimated to be $400 million.

To date, no effective treatment for ALS has been developed. Although the National Institutes of Health, through its National Institute of Neurological and Communicative Disorders and Stroke—NINCDS—has research programs directed at uncovering the causes and remedies for this disease—and some progress has been achieved in the areas of virology, immunology, and brain chemistry—the highly intricate and complex nature of ALS has made it difficult to develop a clinical cure. NINCDS now has several ALS research programs underway. The Institute, in conjunction with the National Academy of Sciences, is planning an investigation of the role of environmental factors on American servicemen suffering from ALS. NINCDS scientists are conducting laboratory research aimed at identifying the cause of a broad range of neurological diseases. Such research might prove instrumental in uncovering the cause of ALS. The NINCDS is also conducting two clinical research programs aimed at gaining knowledge which may lead to methods of treatment for ALS. One of these programs is based at NIH's clinical center, where selected ALS patients, including atypical ALS patients, and those with disease symptoms closely resembling ALS, are accepted for research purposes. Finally, the NINCDS is investigating the possible involvement of metabolic conditions in the cause of ALS.

NIH is not alone in the field of ALS research. The Amyotrophic Lateral Sclerosis Society of America is also conducting research studies into the causes and cure of ALS. This year the Scientific Advisory Committee of the ALS society approved the allocation of $311,000 to cover a 3-year period, for ALS research grants. This society is to be highly commended for its dedication and activities in the fight against ALS.

Mr. Speaker, the House recognizes the serious nature of this disease and 231 House Members have cosponsored House Resolution 302, which is similar to the Senate-passed resolution. House Resolution 302 was introduced by Mr. SOLARZ for the first time in February of this year. More recently, Mr. SOLARZ and I introduced House Concurrent Resolution 410, which revises House Resolution 302 to conform to the language of the Senate-passed resolution.

I want to take this opportunity to thank the sponsors of this resolution in both the House and Senate. In particular, I want to thank and commend Mr. SOLARZ for his hard work, dedication, and leadership as the prime sponsor of this resolution. In addition, I want to thank the gentleman from West Virginia (Mr. STAGGERS) for his leadership in bringing this resolution to the House floor, and the gentleman from Kentucky (Mr. CARTER) for his interest and support of this resolution. Finally, I want to thank all the members of the Subcommittee on Health and the Environment, Mr. SATTERFIELD, Mr. PREYER, Mr. Mr. SCHEUER, Mr. WAXMAN, Mr. FLORIO, Mr. MAGUIRE, Mr. MARKEY, Mr. OTTINGER, Mr. WALGREN, Mr. BROYHILL, Mr. MADIGAN, and Mr. SKUBITZ for their interest in this resolution.

Mr. Speaker, Senate Concurrent Resolution 26 and the comparable House resolution, House Concurrent Resolution 410, are identical. These resolutions do not change existing law or authorize the expenditure of any Federal funds, but they do have an extremely important function—to focus national attention on ALS and on the need for finding its cure. I urge all my colleagues in the House to join me in support of Senate Concurrent Resolution 26.

Mr. SOLARZ. Mr. Speaker, I rise to applaud, salute, and thank my colleagues Mr. STAGGERS, Mr. ROGERS, and Mr. CARTER for their support of this important resolution.

As you may know, for nearly 3 years I have been actively involved in the fight against the dread disease amyotropic lateral sclerosis.

Last February I introduced a resolution which was an attempt to focus national attention on ALS and to highlights its deadly and debilitating effects. I am happy to say that this resolution was cosponsored by 231 other Members of Congress from both sides of the aisle.

In the Senate, Senator CRANSTON introduced a similar resolution and it boasted 60 cosponsors before passage as Senate Concurrent Resolution 26 on November 4, 1977.

Today we have the opportunity to pass House Concurrent Resolution 410 expressing the sense of the House, the Senate concurring, on the need for action to find a cure for ALS.

ALS, popularly known as Lou Gehrig's disease, is a neurological disorder affecting adults, generally in the prime of life. It is characterized by a degeneration of motor cells in the spinal cord and brain. This degeneration leads rapidly to paralysis and ultimately death. Over 10,000 adults are stricken with ALS each year for no apparent reason and with no real hope for recovery.

Like polio, ALS attacks the motor cells of the brain and spinal cord. Initially many patients show problems in speech, swallowing and chewing, while others have loss of strength in an arm or leg. The onset of the disease is slow but after a few weeks the patient is struck with violent twitching and painful cramps. Then he quickly sinks into a near full paralysis.

Initial diagnosis is quite difficult and often confused with multiple sclerosis. The expected lifespan for the postdiagnosis patient is a disturbing 3 or 4 years. Over 60 percent of the ALS patients are men who after a comparatively illness-free life suddenly are left useless and unable to move a single muscle.

This severe paralysis is responsible for more than the loss of one man or woman. It is a human problem of staggering magnitude. A simple calculation will demonstrate this clearly. There are at

least 10,000 new ALS cases in the United States every year. The patient is typically male, who is the head of a household and in most cases the large expenses associated with ALS depletes both the bank account and the spirit of the family. Based on an average income of only $7,000 per annum, an estimate of the loss of earning power to the economy is at least $200 million a year. In addition, a like amount in Government transfer payments for welfare and aid for dependent children realize a net loss to the economy of $400 million. Clearly a cure would be one of the great milestones in medical history.

This concurrent resolution asks for no money; asks for no special week, day or hour. This resolution simply shows the concern and care of the Congress for the suffering of tens of thousands of Americans who have ALS and their families.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

PROVIDING FOR MANDATORY INSPECTION OF DOMESTICATED RABBITS SLAUGHTERED FOR HUMAN FOOD—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. WRIGHT). The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 2521) to provide for the mandatory inspection of domesticated rabbits slaughtered for human food, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Washington (Mr. FOLEY) for 1 hour.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Agriculture.

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

There was no objection.

VACATING ORDER OF THE HOUSE OF WEDNESDAY, NOVEMBER 2, 1977, PROVIDING FOR THE HOUSE TO MEET ONLY ON TUESDAYS AND FRIDAYS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the order of the House of Wednesday, November 2, 1977, providing for the House to meet only on Tuesdays and Fridays, be vacated and that when the House adjourns today, it adjourn to meet at noon on Wednesday, November 30, 1977.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the distinguished chairman of the Democratic Caucus could tell us what the plans are for the balance of this week and for the rest of the session. I have heard some suggestions that the House will again go into pro forma sessions, with the idea of fooling the public into thinking that we are going to have an energy bill before Christmas. If that is to be the case, then we could tie a red ribbon on it and put it under the Nation's Christmas tree. But if we are to have these sham sessions, then the gentleman from Maryland may insist there be a quorum present at all times, various international travel plans notwithstanding.

Mr. Speaker, I think what we ought to do would be to quit, shelve the so-called energy bill and be done with it for the year. We could save the taxpayers' nerves and pocketbooks.

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

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

Mr. FOLEY. Mr. Speaker, I would advise the gentleman from Maryland (Mr. BAUMAN) that it is the intention of the conference committee on energy to continue to meet and to attempt to resolve the differences between the House of Representatives and the Senate. We have very largely completed action on the utility rate negotiations, and that will probably be completed this week, and on conservation and coal conversion, that will probably be completed by the 2d of December. The remaining other two parts of the five parts of the President's energy program, which have been adopted in various manner by the House and the Senate that deal with gas pricing and other tax provisions, it is still the hope of the committee that the conference committee can conclude its work in order to bring a conference report back to the Senate and the House floor for action before Christmas.

I cannot speak for the leadership at this point, but I believe that there may be the intention following this week to go into the 3-day recess periods, hoping that the continued progress of the conference committee can result in the adoption of a conference report on energy before the holiday period.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object. the gentleman from Washington (Mr. FOLEY) means before Christmas of 1977?

Mr. FOLEY. Christmas of 1977, the gentleman is correct.

Mr. BAUMAN. We will have an energy bill before that time?

Mr. FOLEY. That is the hope, that the conference could conclude its work prior to that period of time. Now what progress can be made on the two remaining parts in the next 2 weeks I think will be the critical test on whether it can be presented to the Members.

Mr. BAUMAN. Mr. Speaker, the gentleman from Maryland was under the misapprehension that November 29—is that not today's date—was supposed to be the day that the energy bill was to have been considered, and similar hope was expressed as to that date also?

Mr. FOLEY. But that hope, Mr. Speaker, unfortunately was dashed by the circumstances.

Mr. BAUMAN. Dashed indeed. So we will continue to have pro forma sessions up until Christmas Eve in the hope that we will perhaps have some grotesque ornament to hang on the national Christmas tree in the form of an energy bill?

Mr. FOLEY. I hope that the energy bill can be completed before Christmas because it would be a gift to the entire Nation, and it would be certainly wise public policy and therefore we hope for that conclusion.

Mr. BAUMAN. I thank the gentleman for his cheerful holiday explanation and withdraw my reservation of objection.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, November 30, 1977, may be dispensed with.

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

There was no objection.

CONFERENCE REPORT ON H.R. 7, CAREER EDUCATION

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 7) to authorize a career education program for elementary and secondary schools, 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 pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 15, 1977.)

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, the conference report on H.R. 7 which we are bringing to the floor today is the product of a very fruitful and cooperative conference committee. All the members of the committee reached unanimous agreement on all of these provisions so that what we have under consideration today is a bipartisan and unanimously supported conference agreement. I believe that this speaks well for the bill before us and for the work of all of the committee members.

I would especially like to commend the members of the Subcommittee on Elementary, Secondary, and Vocational Education who were conferees, especially Congressman BLOUIN who had his own career education bill and Congressmen KILDEE, LE FANTE, WEISS, and HEFTEL who took such an active part in writing this legislation. The committee's ranking minority member, AL QUIE, was also most helpful and diligent as always. Congressman JOHN BUCHANAN is also to be commended for his role in guiding this legislation through.

Mr. Speaker, the basic purpose of this bill is to encourage the Nation's schools to place a greater emphasis upon career awareness, exploration, decisionmaking, and planning. This means that we at the national level will seek to encourage, but not in any way require, our Nation's schools to broaden their offerings so that students will have a much better idea of the types of jobs available to them when they finish school, and of the types of skills needed to fill those jobs.

Today, unfortunately, many youngsters do not have this knowledge because their long years of schooling cut them off from the world of employment. To illustrate this point, I would like to refer to a recent survey conducted by the National Assessment of Educational Progress. This survey found that less than half of the 17-year-olds in the Nation could name more than one skill needed for the job they had tentatively chosen.

The bill before us today seeks to reverse that trend in order to provide our students with a better knowledge of jobs and of the skills needed for those jobs.

The bill contained in this conference report has three principal features which are meant to help carry out that basic purpose.

First, the conference report makes funds available for States to move from limited demonstrations of career education at the elementary and secondary levels to actual implementation in ways affecting all instructional programs and all teachers at these levels. To date, most of the Federal funding of career education has been for model and demonstration programs at the elementary and secondary levels. This conference report reflects the feeling of the conference committee that these model programs have shown their worth and that the time is right for a broadscale implementation of the ideas and practices learned from them.

Second, the conference report makes clear that the Federal role is to be of a very limited nature in this effort, both in terms of appropriations and in terms of the number of years these appropriations are to be provided. We are only authorizing $400 million over a 5-year period under this conference report, and these sums decline rapidly over the 5-year period so that there will be no doubt of the limited nature of the Federal assistance.

Third, the conference report respects the preeminence of the States and local school districts in this field by giving considerable flexibility in the types of career education activities which can be funded. The Federal role must be limited in terms of the requirements we impose, not only because of the limited dollars we will be appropriating, but also because the concept of career education itself is very diverse and is being implemented very differently in different States and school districts. Consequently, the Federal role emphasizes technical assistance to the States in carrying out their plans, and information gathering so that the States will have the best and most current information on jobs available to them when they are implementing this bill.

These features underscore how the Federal role is to be limited in this area in terms of the amount of assistance, in terms of the number of years this assistance will be provided, and in terms of the number of Federal requirements involved in receiving this assistance. Our whole purpose is to serve as a catalyst to the States to help them to carry through on their own plans for career education.

But, I do want to emphasize that by enacting this bill the Congress will be showing its concern that students not be isolated from the realities of the job market. Rather, we would hope that the schools could help by exposing their students to a variety of jobs, so that they will learn about jobs and the skills needed for them.

Mr. Speaker, for the information of the Members I would now like to go into more detail in describing this bill.

AUTHORIZATIONS

The legislation represents a new idea in categorical programs in that it calls for a short-term Federal investment which declines from fiscal year 1979 through fiscal year 1983. The authorization levels are $50 million for fiscal year 1979, $100 million for fiscal year 1980, $100 million for fiscal year 1981, $50 million for fiscal 1982, and $25 million for fiscal year 1983. After the fifth year, States and local districts are expected to take over the full costs of career education programs.

I believe this structured phaseout of Federal funds is particularly well suited to the concept of career education, since the goal of the legislation is the infusion of career education into the regular school curriculum. The accomplishment of this goal depends to a large extent upon retraining of existing education personnel and purchase of instructional materials rather than supporting large numbers of new staff in each district, and will not involve sizable costs to the States and local districts once the training procedures are established and the materials purchased.

STATE MATCHING REQUIREMENTS

In keeping with the notion of a limited Federal role, the bill also contains State matching requirements which increase over the 5-year period of the bill. For fiscal year 1979, the programs would be 100 percent federally funded. Funds for employing State-level staff would require 25 percent State matching in fiscal year 1980 and 50 percent State matching in each of the next 3 years. Other activities in the State plans would be 100 percent federally funded in fiscal year 1980, and require 25 percent State matching in fiscal year 1981, 50 percent in fiscal year 1982, and 75 percent in fiscal year 1983.

In hearings on H.R. 7, a number of witnesses testified that States and local districts are very supportive of the concept of career education (55 of the 57 States and territories have appointed career education coordinators), but that a small amount of Federal seed money is necessary to get a comprehensive effort started. Witnesses also testified to the far-reaching effects of Federal funds. This testimony indicated to committee members that States would be willing to assume some of the costs of career education programs, and that the benefits of the initial Federal investment would carry over into the years when the Federal funding begins to decline.

STATE PLANNING AND ACCOUNTABILITY REQUIREMENTS

The conference report incorporates a number of provisions intended to insure that States implement career education at the elementary and secondary levels in an orderly fashion with the commitment of all available resources. Each State desiring funds under the act must file an application and submit a State plan during fiscal year 1979. The State plan must set out explicitly the objectives the State seeks to achieve, how the funds will be used to achieve these objectives, and the criteria by which funds will be distributed within the State. In distributing funds, States must assure that payments will not be allocated solely on the basis of per capita enrollments and that the needs of private schoolchildren and of districts with high unemployment, sparse population, and few students have been given due regard. States must also assure they will maintain their own effort.

As a followup to the State plan States must file annual reports analyzing how these objectives have been met, unless the Commissioner deems such reports unnecessary. And, the U.S. Office of Education must report back to the States its analysis of each State's progress. This type of "feedback" ought to provide the States with the technical assistance they need to achieve the objectives they have set out in their State plans.

POSTSECONDARY CAREER EDUCATION DEMONSTRATION

Most funds for research and demonstration in career education since 1972 have been concentrated at the elementary and secondary level, and for that reason, the conferees feel that broad implementation is appropriate at those

levels. However, the concept of career education is in itself comprehensive and has implications for institutions of higher education.

Toward that end, the conference report authorizes $15 million per year for fiscal years 1979 through 1983 for postsecondary career education demonstration projects. However, the conference report also makes clear that no funds may be made available to institutions of higher education under the authority of section 406 (f) of the Education Amendments of 1974 in any year that this new authorization is funded.

We feel that this provision ought to aid in refining career education and its application to the postsecondary level, while making certain that any existing authorities for research and demonstration would not duplicate these efforts.

STATE LEADERSHIP

Each State receiving funds is required to employ staff with specific skills to administer and coordinate their career education programs. For fiscal year 1979, up to 10 percent of a State's grant may be used for employing State level staff, and for fiscal years 1980 through 1983, up to 5 percent may be used.

The conference report also permits States to use up to 10 percent of their grant each year for State leadership activities, including conducting inservice training and institutes, collecting and disseminating career education materials, conducting needs assessments, and engaging in collaborative arrangements with agencies and organizations representing business, labor, industry, and the professions.

The committee found that career education has widespread support among the general public, and works best when the entire community is involved, since the concept is so intrinsically related to the world of work. We see these collaborative arrangements as being especially important in fostering community involvement.

LOCAL USES OF FUNDS

As I mentioned before, the range of activities that can be funded under the act at the local level is broad. The types of activities that can be funded at the local level include inservice training, purchase of materials and supplies, instilling career education concepts into the classroom, collaboration with community groups, and the development of work experience and field trips for students exploring various careers. The only requirement imposed at the local level is that 15 percent of a State's grant must be spent for local programs in guidance and counseling.

I would like to point out that most students are sorely lacking in the kinds of career skills that these activities seek to provide. The National Assessment for Educational Progress recently found that less than half of the 17-year-olds in the Nation could name more than one skill needed for the job they had tentatively chosen. Over half had trouble writing a job application, and only 35 percent said they had talked to a guidance counselor about their career plans.

While the conference committee feels that these local activities are the backbone of the career education program and wishes to give districts as much flexibility as possible to meet their individual career education needs, we also feel that guidance and counseling is a crucial component in any career education program.

BIAS AND STEREOTYPING

During the committee's consideration of this legislation, we heard testimony that biased and stereotyped educational practices can reinforce stereotyping in the labor market. To prevent this from occurring, the conference report contains a number of amendments to assure that career education programs will be free of bias and stereotyping on account of race, sex, handicap, age, and economic status.

These provisions include collaborative arrangements with organizations representing women, handicapped, minority groups, and older Americans at the State and local level, hiring of a person familiar with the problems of discrimination at the State level, setting forth policies to assure equal access to career education in the State plan, and development of nonstereotyped career education materials.

ALLOTMENTS

The conference report provides that funds shall be allotted to the States including Puerto Rico on the basis of the population aged 5 through 18, with no State receiving less than $125,000 per year. One percent of the funds is set aside for grants to the outlying areas. States receiving the minimum allotment are exempted from complying with the requirements regarding State level staff.

FEDERAL ADMINISTRATION

The Office of Career Education in the Office of Education is charged with administering the act, performing a national leadership role, and providing technical assistance to participating States and territories upon request. The National Institute of Education is permitted to continue its research functions in the area of career education. The National Advisory Council on Career Education is charged with continuing its present functions, and the membership of the Council is expanded to include representatives of business and labor, and of organizations of handicapped, minority groups and women.

The Commissioner of Education is permitted to reserve up to one-half of 1 percent of the funds appropriated for a one-time national evaluation of the programs supported under the act.

MODEL PROGRAMS

The conference report also permits the Commissioner to reserve up to 5 percent of the funds for Federal administration and for making grants to support model programs in career education, including programs demonstrating the most effective methods and techniques in career education and exemplary projects designed to eliminate bias and stereotyping. In addition, no funds may be appropriated for grants or contracts with local educational agencies pursuant to section 406(f) of the Education Amendments of 1974, in any year that this provision is funded.

CAREER EDUCATION INFORMATION PROGRAM

The Commissioner is also permitted to reserve up to 1 percent of the funds to conduct a national career education information program. The Commissioner is charged with examining existing career information activities, including those of the National Occupational Information Coordinating Committee, examining the information needs of eligible organizations and individuals under the act, and furnishing and disseminating this information and information on exemplary career education programs.

In preparing for the Vocational Education Amendments of 1976, the committee was surprised by the lack of occupational information and of coordination between various agencies and bureaus using such information. I believe this provision ties well into existing efforts to improve our data base in this area.

For the sake of legislative history, I would like to point out that all three of these set-asides of funds to the Commissioner—for evaluation, model programs, and information—are meant to be taken from the appropriations before the State allocations are made. Otherwise, the purposes of these requirements may be thwarted by insufficient appropriations.

DEFINITION OF CAREER EDUCATION

Although the conference report affirms the comprehensiveness of the concept of career education and in its general definition of career education, we felt that for the specific purposes of funding under the act, career education ought to be defined so as to exclude those activities involving specific job skill training. In addition, the conference report includes amendments assuring that these career education programs will not be administered solely as part of the vocational education program.

I believe these particular provisions are necessary because some confusion still exists in the public mind regarding the concepts of career education and vocational education, and this language assists in clarifying that they are two distinct concepts. Also, funds for specific job skill training are already available under the Vocational Education Act and the Comprehensive Employment and Training Act; and, therefore, these limited funds ought not to be used for the purpose of actual training.

Mr. Speaker, I believe that this conference report is a well-balanced piece of legislation, encouraging but not requiring the adoption of career education in our schools. It stands in the long tradition of limited Federal funds being used as a catalyst to help States and local school districts bring about change and reform. I believe that the House should overwhelmingly adopt this conference report because it will provide the opportunity for thousands of our citizens to make better informed judgments on the types of careers they want to choose.

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

Mr. PERKINS. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, I understand in the conference the total authorization was increased $50 million?

Mr. PERKINS. That is correct.

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

Mr. PERKINS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. TREEN. Mr. Speaker, if the gentleman will yield further, it was $275 million for the program over 5 years in the House bill and now it is $325 million that the House has agreed to?

Mr. PERKINS. It is $400 million.

Mr. TREEN. $400 million?

Mr. PERKINS. Yes.

Mr. TREEN. The additional $50 million is for what purpose?

Mr. PERKINS. We have just spread it out over a period of 5 years, $50 million the first year, $100 million the second year and $100 million in the third year, and $50 million in the fourth year. Then the fifth year is down to $25 million.

Mr. TREEN. So there was an increase of $125 million by the conference?

Mr. PERKINS. Yes, if you do not consider the postsecondary funds earmarked under the House bill in the Carter Education Act.

Mr. TREEN. Can the gentleman tell me what will be the source of these funds, assuming they are appropriated?

Mr. PERKINS. Well, the funds, assuming they would be appropriated, will be disbursed on a population basis within the States according to the population ages between 5 and 18. The States will have the sole authority to expend the funds in ways to make these youngsters aware of career opportunities; but in no wise and in no way can the funds be utilized for specific jobs training purposes.

Mr. TREEN. My question was on the source of the funds. Assuming appropriations are made, will they be financed by additional taxes or additional deficits?

Mr. PERKINS. Let me say to my distinguished colleague that we are naturally running up deficits. I would hope to see the trend otherwise; but insofar as important legislation is concerned, we have got to go forward. It would be my hope that we could reverse the trend the gentleman is talking about and maybe put the operation of the Government on a pay-as-you-go basis. So far as I am concerned, I would like to cast a vote along that line myself.

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

Mr. Speaker, I rise in suport of the conference report on H.R. 7, the "Career Education Incentive Act." This legislation originated in the House, and I was most happy the first day of the 95th Congress to join Chairman PERKINS, AL QUIE, and other colleagues on both sides of the aisle in introducing it. I think it is a tribute to Chairman PERKINS that the substance of this conference report is little changed from the original bill. It is an important piece of education legislation, one which can help bring about a much-needed emphasis in American education.

A significant factor in educational failure is the failure of students to see the relevancy of what is demanded in school to what is needed in life. For some, academic achievement is reward enough; for many, if not most, there needs to be a closer connection made between school and work—between what is learned in school and what is needed to build a career in a worthwhile occupation. Traditional school counseling has not provided this connection, even for the college-bound who traditionally have been the main targets of such counseling. Most of us can look back on our own school days and easily recall how little awareness we had of the variety of career choices and opportunities open to us. School counseling and guidance services are an important part of any total program of career guidance, but they cannot alone do the job.

The concept of career education—where career awareness infuses the entire curriculum and augments the entire educational process—is a sound one. Its value has been demonstrated in countless experiments and programs in schools all over the Nation. Both the National Institute of Education and the U.S. Office of Education have assisted in initiating and evaluating career education programs, but the largest part of the activity by far has been funded solely by State and local funds. I think it is important to understand that this educational program has wide support among educators, business, labor, community leaders, and parents in several thousand schools across the Nation.

In my area, in Jefferson County, Ala., with 73 participating schools and in Birmingham with 100 schools, we already have strong career education programs. Dr. J. Revis Hall, the Jefferson County superintendent of schools, and John Rogers, our director of career education, have given outstanding leadership. The same is true of Dr. Wilmer Cody, the superintendent of schools in Birmingham, and Marsha Walker, the director of career education. It is not possible in a brief time to describe all of the activities initiated in the two systems—and all of it without Federal assistance—but both systems have been building career education programs since 1972. One example of the kind of community activity involved is that for 3 years the two systems have participated in career guidance institutes conduced for teachers by the National Alliance of Businessmen. About 250 teachers have participated.

The State of Alabama has moved forward in developing career education programs. We have been fortunate in having the leadership of State Superintendent Wayne Teague and a State career education coordinator, Anita Barber. The enactment of this legislation—and its subsequent funding in appropriations for fiscal 1979 and the four succeeding years—would enormously strengthen their efforts and permit a successful culmination of them.

One particular thrust of the Senate version of H.R. 7—the elimination of sex bias and stereotyping in programs dealing with career choices—greatly strengthens the original bill. I want to call these provisions to the attention of program administrators at all levels.

The provisions of H.R. 7 as embodied in this conference report have been described in detail by Chairman PERKINS. I need not repeat them. But I would like to emphasize most strongly that the concept of career education is one which ties together student, school, community, and family in a program designed to help every single student to understand his or her career possibilities and to relate those in a meaningful way to the basic educational skills. It promotes understanding of the relevancy of both academic preparation for higher education and vocational education which may stop at the secondary level, or may also lead to postsecondary work. It makes the need for a sound education understandable to students who in large part have been cut off from the whole world of work and career development in schools which have stood apart from the broad economic community in which adults must function effectively in order to lead productive and satisfying lives.

Changed times and changed circumstances demand change in education. Education must at a minimum equip individuals to make a constructive contribution to the economic and social life of the community. This cannot be accomplished in isolation from the community. It cannot be accomplished when students are unable to relate their own interests, abilities, and aspirations to real life situations. Career education is not a panacea for all the problems of education, and is not offered as such. But it is a realistic approach to one of the basic problems of education, which I have attempted to describe in this statement. Accordingly, there is every reason to believe that this concept can make a major contribution to the solution of other problems.

I am proud to have been a sponsor of H.R. 7. I think we worked out a very good bill with the other body, and I urge adoption of the conference report.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of the final version agreed to by the House and Senate conferees on H.R. 7, the bill to authorize a career education program for elementary, secondary, and postsecondary schools.

I commend my colleagues on the House Education and Labor Committee for their untiring efforts to develop a comprehensive bill to insure that more emphasis is placed on career awareness, exploration, decisionmaking and planning in our schools. In particular, I congratulate the distinguished chairman of the committee (Mr. PERKINS) and the ranking minority member from Minnesota (Mr. QUIE) for their careful preparation of this legislation. I must also compliment the gentleman from Alabama (Mr. BUCHANAN) for his personal commitment to the legislation and his efforts to gain its final approval.

Career education programs can provide the important link for our young people between what is taught in school and what is needed to build a career in work of their choice; and, I feel the time is right to implement these programs in a comprehensive manner and on a broad national scale.

This legislation is consistent with our

goal of providing assistance to our local school systems without exerting unnecessary Federal control. The "no strings attached" approach of this bill allows the States greater flexibility in the use of the funds authorized and insures that the money is channeled into those areas with special needs. This is education at its very best as it leaves the educational decisions solely in the hands of those most familiar with the wants and needs of their school systems.

Specifically, the bill authorizes total grants to the States of $325 million over a 5-year period for elementary and secondary career education; $50 million for fiscal year 1979, $100 million for fiscal year 1980, $100 million for fiscal year 1981, $50 million for fiscal year 1982, and $25 million for fiscal year 1983. A minimum per-State allotment has been set at $125,000. In addition, $15 million is authorized for each of the 5 years to conduct postsecondary career education demonstration projects of national significance.

It is anticipated that after these initial 5 years, career education will have become a part of the regular education programs reaching all students and all teachers and that full responsibility for continuation of the programs will be assumed by the States.

I am convinced that this is the correct approach and that we are making a sound and very valuable investment in one of our greatest national resources—our youth.

I urge my colleagues to support this legislation.

Mr. BUCHANAN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Speaker, I hesitate to take the well to oppose a bill that has such a motherhood label as "aid to education," and I also do this reluctantly because of my great respect for the chairman of the Education and Labor Committee and for the ranking minority members of this committee. I want to make a disclaimer that I am not in opposition to the passage of this legislation because I oppose career education. Indeed, I think that in the schools of this country there has not been sufficient emphasis on education relating to careers.

My question, though, is whether or not the Federal Government needs to undertake this program. In some of our educational aid programs, we justify Federal involvement because the allocation formula helps certain areas of the country that are considered underfunded in educational programs. But, under this program, it is simply a doling out of money based upon the population in each State between 5 and 18 years of age. So, it has no redistribution purposes as between the different States, as so many education programs that were designed to help the South. The question I raise also is this: What sources of revenue are there in sight to pay for this program?

The President of the United States says that in 1981 we are going to balance the budget. Many of us in this House on both sides of the aisle would like to help him toward that goal. But, according to the conference report, we step up the authorization to $100 million by the year 1981.

I directed a question to the distinguished chairman of the committee as to where the revenues will come from. They will come either from additional borrowing, which means additional deficit, or they will come from additional taxes. Who in this House will get up and propose the additional taxes to raise the $400 million authorized by this bill? I know that today $100 million, which is the authorized level for 1980 and 1981, does not sound like much money. But that is one-tenth of $1 billion. And we have to start somewhere if we are going to achieve that promised balanced budget.

The Members have probably heard this question from their constituents: How are we going to balance the budget by 1981? I have had that question thrust at me time and time again. My response has been that it is very difficult to cut back on existing programs. The Members know that is true. It is very hard to cut back. I wonder if the Committee on Education and Labor is going to recommend any cut in authorization for educational programs for the year 1981. I understand the opposite will happen. The existing programs will rise in their authorization levels and in the appropriations levels. So where do we start? We start by looking at the new programs. This is not an old program. This is an entirely new program which passed this House under suspension of the rules, and only 14 Members voted against it.

Mr. Speaker, I say that if we are going to make a start on eliminating our monstrous annual deficits, we have to start by looking critically at every new program. Ultimately, of course, this new program will be financed by the taxpayers, whether we borrow temporarily or not to pay for it in 1981 and the other years. The taxpayers will pay for it. I say that the States are just as capable, and in many instances they are more capable, of raising the funds if they want this type of educational program in their States. They are the same people from whom we are extracting money when we levy a Federal tax as a State tax. Since there is no redistribution involved in this case—it is purely a program of extracting taxes and giving funds back to the States—I say that here is a perfect example of an instance where we should let the States do what they are perfectly capable of doing. Five percent of this money is just for Federal administration. So we see, right there, we have a 5-percent take from the money that would be used in this program. This is an admirable goal. But I say—and this I think is consistent with the words of both candidates who ran for president last fall—let us not do the things on the Federal level that the States are perfectly capable of doing. This is a good example. In my opinion, this is a place where we need to start to try to give the President that balanced budget in 1981.

Mr. BUCHANAN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, there is nothing I would like better than to see the full load of education borne by State, by local, and by private agencies. But the fact is that this can no longer be the case in the United States. My own city of Birmingham is the only major city, to my knowledge, in recent years that has voted a new tax upon itself to finance education for its children. Given the amount of tax take in the form of income tax that the Federal Government consumes, this is the only level in which we can raise the revenues to make an increased investment in one of the highest priorities, the priority of education.

Mr. Speaker, I would point out to my distinguished friend, whom I deeply respect—and I also applaud his efforts toward a balanced budget and toward fiscal responsibility—that the money in this bill is for a limited time and a limited amount, and it constitutes the widow's mite spent by our Government which is spending a king's ransom for many other purposes.

Mr. Speaker, I would suggest to my friend that this is a good investment in our future.

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

Mr. BUCHANAN. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, the gentleman talked about this being the only place where we can get the money. The money is coming from the people who live in Alabama, as well as from the people who live in New York, the people who live in Kentucky, and the people who live in Louisiana.

Those people are not any different, are they, when it comes to paying Federal taxes and State taxes?

Mr. BUCHANAN. Certainly not. But I would say to my friend, the gentleman from Louisiana (Mr. TREEN), that my State for example has already, with its own funding, done a good deal in career education. We have a good record in that field, and we are very proud of that.

This bill is providing a stimulus to States around the country to provide the same kind of vital opportunities for young people that are being provided by some funds which are purely State funds, and I really think this is a very good program.

Mr. TREEN. Mr. Speaker, will the gentleman yield further?

Mr. BUCHANAN. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, is the gentleman saying that the Federal Government must do this because the States will not do it? Is that what it boils down to?

The dollars are not any more efficient because they come from the Federal Government; will the gentleman concede that?

Mr. BUCHANAN. Mr. Speaker, I do concede the dollars would not be any more efficient, but I think we must make this limited Federal investment in order to help secure and to help provide a broader long-term participation by all the States. I think that full participation by all the States will result in profound value to the country in career education, and it is my hope that this limited investment will accomplish just that.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Speaker, as a member of the conference committee, I would like to state that I wholeheartedly support this valuable piece of legislation.

I agree with all the Members who are concerned about national, State, and local government budgets. However, the Federal Government has historically usurped the local tax base to such an extent that the money is coming directly to Washington and the local governments are forced to rely on an antiquated property tax base to help finance schools.

If we look at the communities throughout the Nation that are organized municipalities or that have developed a national strategy for using Federal revenue sharing in cities, townships, and counties, we see that the educational community is split nationally and they do not have a real national strategy. Therefore, we spend only about $10 billion a year on educational programs out of a $400 billion Federal budget.

I share with most of the Members the feeling that we must invest for the future of our younger generation, and that we must maximize productivity and improve the quality of education so that we can achieve a better standard of living in America.

Mr. Speaker, I think this is a step in the right direction, and I share with both the Democratic and Republican members of the conference committee the feeling that we must support this legislation.

Mr. JEFFORDS. Mr. Speaker, H.R. 7 is an important and valuable step toward the goal of helping students of all ages to integrate their ideas about work with other aspects of their educations. Yet, the minimum allotments authorized for States under the act will not be sufficient to support adequate programs in small States such as Vermont and many others. The issue is clear: the fixed costs of starting an adequate program are greater than the minimum allotment.

H.R. 7 seeks to redress a widely recognized problem: Our educational system has not been able successfully to help students relate what they learn in school to what they will do when they leave school. Further, many students are unaware of the variety of careers open to them. Most are unable to match their individual talents to specific careers, in part because they do not receive adequate advice and counseling throughout their school years. The National Advisory Council on Career Education has listed 11 specific shortfalls of current educational programs, including the most basic problem:

Too many persons leave our educational system at both the secondary and collegiate levels unequipped with the vocational skills, the self-understanding and career decisionmaking skills, or the work attitudes that are essential for making a successful transition from school to work.

In order to meet the problems outlined by these criticisms and others, H.R. 7 mandates a number of activities at both State and local levels. For example, States are asked to provide leadership and action in:

(A) conducting inservice institutes for educational personnel;

(B) training local career education coordinators;

(C) collecting, evaluating, and disseminating, career education materials on an intrastate and interstate basis with special emphasis on overcoming sex bias and stereotyping;

(D) conducting statewide needs assessment and evaluation studies;

(E) conducting statewide career education leadership conferences;

(F) engaging in collaborative relationships with other agencies of State government and with public agencies and private organizations representing business, labor, industry and the professions and organizations representing the handicapped, minority groups, women, and older Americans; and

(G) promoting the adaptation of teacher-training curricula to the concept of career education by institutions of higher education located in the State;

Yet, States can spend only 20 percent of their funds in fiscal year 1979, and 15 percent in succeeding years, for all of these State-level purposes. Even if the act were to be fully funded, Vermont would receive only about $136,000 to accomplish all of these goals. Twenty percent of $136,000 is not adequate for State-level activities.

No matter what the good intentions on the part of each State, such amounts are not adequate to support effective programs. For example, the Vermont State career education office has developed a career education consortium of all institutions of higher education in the State. The members meet and contribute actively to the State career allotment plan. All of this takes money, yet the Vermont allotment under H.R. 7 would not be adequate to continue this project while also supporting other mandated activities under the act.

In addition, States must distribute funds under the act to local education agencies for a wide variety of classroom and other purposes. Eighty percent of $136,000, or $108,800, is not adequate to fund the 13 separate local activities mandated by H.R. 7 for all of the school districts in Vermont, or in any other small State.

Small, rural States face particular problems in mounting effective programs, because their populations are dispersed and the range of locally available career options is limited. A straight proportionate-to-population allotment schedule ignores the fact that effective programs require an adequate minimum expenditure unrelated to population. The minimum $125,000 allotment contained in H.R. 7 is not adequate, and we cannot expect small States to mount adequate career education programs at this funding level. I urge you to join me in supporting H.R. 7 because it promises to help States begin to solve a complex educational problem. I also urge you to join me in reconsidering the tiny minimum allotment allowed States under this act, and in future legislation providing more realistic funding for small States like Vermont to meet the basic, laudable goals of this legislation.

Mr. TEAGUE. Mr. Speaker, today we are considering a conference report on the Elementary and Secondary Career Education Act of 1977. I realize that the House may not amend a conference report and under the rules may only accept or reject the report. I have no problem with H.R. 7, the bill under consideration, and do not want my remarks to be considered as a criticism of the bill or the conference report accompanying the bill. My purpose for rising today is to bring to the attention of this body the continuing criticism which I hear and read with regard to education programs administered by the Department of Health, Education, and Welfare. You may recall that a Member of this body leveled a very serious charge when H.R. 8701, the GI Bill Improvements Act of 1977, was being considered on the floor following amendments by the Senate. In fact, the words used were that the VA education program is a mess. On November 11, I took the occasion to respond to the remarks of the gentleman who had called the VA education program a mess by pointing to recent newspaper stories about the enormous rate of unpaid student education loans which have become a major national scandal. The New York Times in a recent article emphasized that while the Federal Government shovels out billions of dollars every year to colleges and universities, there is no unifying policy in higher education, nor is there any central coordination.

During the recent recess, I came across another article about one aspect of the education program administered by the Department of Health, Education, and Welfare. The article pointed out that HEW manages 130 education programs and that this year the Federal Government will shell out a total of $19.6 billion for education. Another article that has been brought to my attention appeared in the November 1977 issue of the Washingtonian Monthly entitled "Tilting at Windmills." While I do not subscribe to the recommendations made by the article, it is another example of the serious concern of so many of our citizens with regard to the Federal Student Loan program and the apparent inability of the Federal Government to obtain repayments from students who have defaulted on the loans. As the article in the Washingtonian Monthly points out, 37 HEW officials making between $15,000 and $43,000 a year have failed to repay Federal student loans. When high-paid HEW officials thumb their noses at their obligations to repay Federal student loans, I feel it is fair to say that this program is in a mess. It is not a theoretical mess. It is not a rhetorical mess. It is a mess documented by the facts.

Mr. Speaker, at this time I would like to make as part of my remarks the Washingtonian Monthly article entitled "Tilting at Windmills" and a newspaper article in the November 27 issue of the Washington Post entitled "U.S. School Aid Extension: Hand-Wringing, Verbal Brickbats." In addition, I want to include as part of these remarks recent news items from the American Legion magazine and the Washington Star that bear on this subject.

Lastly, Mr. Speaker, the President has signed into law H.R. 8701, the GI Bill Improvements Act of 1977, which is now identified as Public Law 95–202, and I would like to include as part of my statement the remarks of the President

when he signed Public Law 85–202 on November 23. As the President indicated, the nearly $25 billion that we have spent on the current GI bill has been an excellent investment in the Nation's future. Can we say the same thing for the billions of dollars that have been poured into the educational programs administered by the Department of Health, Education, and Welfare? I, for one, will keep my eye on these programs and make sure HEW administrators are carrying out the intent of Congress. It appears that a sizable portion of America's taxpayers doubt they are getting their money's worth.

The articles follow:

[From the Washington Monthly, November 1977]

TILTING AT WINDMILLS

The cost of higher education is being recognized more and more as a serious national problem. The Washington Monthly got into it several years ago through a logical back door. One of our central concerns has been the extreme caution, often bordering on cowardice, of federal employees—their unwillingness to blow the whistle when they encounter wrong-doing, or to take risks to make sure their bosses are exposed to the right ideas and facts. Some of the reasons we've found for that caution are deeply ingrained in character and difficult to do anything about. But one seems easy to cure. It is the cost of college, a cause for caution most commonly found in people between 40 and 55 who feel that they can't take the slightest risk of losing the job that is paying their children's tuition—that indeed it would be selfish of them to seek the personal glory of courageous public service at the risk of denying their children a college education.

To us, then, a federal student loan program became an important way to deal with the fears of these government employees, and of course, as we thought about it, with the fears of non-rich parents throughout the country. But the present federal student loan program is a disaster. It needs to be taken out of the hands of the banks, made available to everyone who needs it, and made impossible for either schools or students to defraud. The way to do all this is to make the loans payable by the government directly to schools for tuition and directly to the students for living expenses, in installments as needed. If a student gets cheated, either he or the government should be able to sue the school or its head (so that he can't hide behind a corporate shield) for triple damages. So that the student won't fail to repay—as we recently learned 37 HEW officials making between $15,000 and $43,000 a year had failed to do—repayment should be withheld from earnings along with income taxes at a rate of 3 to 5 per cent annually. For once there is a reasonable simple solution to a pressing public problem. We hope Congress will get busy and enact it.

[From the Washington Post, Nov. 27, 1977]

U.S. SCHOOL AID EXTENSION; HAND-WRINGING, VERBAL BRICKBATS

(By Bill Peterson)

President Carter will shortly be forced to do something his administration has so far studiously avoided: set forth a policy on aid to education.

Within the next week, Carter and Health, Education and Welfare Secretary Joseph A. Califano Jr. will be given position papers on two of the most important educational issues they will face while in office; proposals to continue the largest single federal aid program for elementary and secondary schools, and whether or not to create a Cabinet-level Department of Education.

The issues have little popular appeal and have produced a minimum of public interest. But both hold far reaching implications for the federal role in education and have created an extraordinary amount of handwringing in Congress, education circles and inside the administration.

This is especially true of the extension of the Elementary and Secondary Education Act, the largest single federal aid to education program, which expires next year.

For months now, the heavies in the education world have been holding hearings, writing position papers, issuing studies and exchanging verbal brickbats over the program, which will supply $3.7 billion to the nation's schools this year.

They've spent more than $15 million doing so, and accumulated a bookcase full of official-looking documents.

Yet little breathtakingly different is expected to develop from the process, according to congressional and administration sources. The debate has been essentially over two basic issues: does federal compensatory aid to education do any good, and who should get federal dollars for what?

Carter is expected to submit his educational plans to Congress by mid-January. So far Califano and other policymakers have sketched only the broadest outlines of what these plans may be.

There is, however, general agreement in the administration and Congress that the heart of the ESEA, Title I, which is aimed at providing compensatory funds to disadvantaged children, should be continued with more federal dollars—20 per cent more under one proposal sent to the Office of Management and Budget.

The key question is how to divide limited funds. Money for education is tight. And any shift in emphasis—or even in the statistical data used to distribute funds—can touch off emotional political fights.

Califano, in a recent Chicago speech, gave the best insight into administration thinking. He proposed more Title I funds for high schools, more money for inner-city schools, more emphasis on parent involvement, making schools "social service centers," and expanding Title I programs into the summer.

The administration, he said, "will explore new ways to help Title I areas with especially large concentrations of needy children." Only 5 per cent of the nation's high school students now receive compensatory education, he added, "yet it is in the high schools where test scores in many areas are falling and where the dropout rates are the highest."

The other area Califano has expressed a strong interest in is testing to establish standards in basic reading, writing and arithmetic skills—an apparent reaction to the back-to-basics movement. In a speech last month, the secretary said he opposes a standardized national competency test, but "I believe that every state should have a program for developing and measuring basic skills that includes competency testing."

He also announced that HEW will throw its weight and dollars behind "a new emphasis on basic skills" and will finance a series of moves to support testing efforts.

A little background is in order here. When President Johnson signed the original ESEA legislation, a cornerstone of his Great Society program, back in 1965, he declared, "No law I have signed or will ever sign means more to the future of America."

Until that time, virtually the only assistance Washington provided for local schools was for impact aid, which gives money to districts with major concentrations of federal workers. ESEA, however, provided a major infusion of federal dollars to most of the nation's 16,000 school districts, aid that now amounts to 8 per cent of the budgets of the nation's elementary and secondary school systems.

It directed the major part of these funds, through the Title I program, toward instructional help for the nation's poorest schools and children.

Since that time, the federal role in education has expended by leaps and bounds; today, HEW manages 130 different education programs. And this year Uncle Sam will shell out a total of $19.6 billion for education.

Not all of this gets to public school systems, nor to education per se, however. The U.S. education budget, for instance, includes $2.8 billion this year for child nutrition and $1.6 billion for educating servicemen.

The diversity of the programs and a desire to create a stronger advocate for educational spending in Washington have led to a concerted push by the National Education Association and other groups this year for a Cabinet-level Department of Education.

Carter, while a candidate, pledged to work for such a department and has set up a task force to study the matter as part of his government reorganization project. But Califano opposes a new department, and the administration has been notably silent on the issue.

The education task force has completed the initial phase of its work and expects to give Carter its findings within the next two weeks, according to Pat Gwalting, who heads the effort. The group, she said, has looked at three options: leaving education in HEW and upgrading its status there; creating a new department to oversee just education programs; or making a broader new Cabinet post that would include education and human development programs.

Education programs are now scattered in more than 40 different agencies in the departments of HEW, Agriculture, Defense and Labor. Policy often conflicts; the policymaking apparatus is cumbersome.

The difficulty in coming up with an administration policy on the elementary and secondary education bill provides a case in point. Discussions on it have taken almost six months.

HEW has three separate power centers involved in the fray, complicating matters. One is in the office of Commissioner of Education Ernest L. Boyer, formerly head of the State University of New York and a skillful bureaucratic infighter; another comes under Assistant HEW Secretary of Education Mary Berry, an aggressive former chancellor of the University of Colorado, at Boulder, the third, and most powerful is Califano's immediate circle. Each has its own policy staff, its own turf and interest to protect.

Each of the eight separate programs under ESEA presented policy conflicts. In addition, charges of mismanagement and too much paperwork in some programs had to be dealt with. But Title I and bilingual education developed into the task force's two most controversial issues.

The problem with bilingual education was that the government had spent a half a billion dollars in nine years to help students with little or no command of English, but it had done very little to find if the program did any good. Yet the program has entrenched often vocal, constituencies, making it difficult to alter.

The evidence on Title I was conflicting. For almost a decade the evaluations of the program were poor. Charges of mismanagement on the federal, state and local levels were widespread.

But a National Institute of Education study, which came out in September, concluded Title I programs had dramatically increased reading and math abilities in first and third graders tested.

The study had a couple of holes. It didn't, for example, show that pupils retained what they learned through the summer during the school year. But the study told the administration and members of Congress what they wanted to hear.

The biggest single challenge to the status quo in Title I has come from Rep. Albert H. Quie, of Minnesota, the ranking Republican

on the House Education and Labor Committee. He has proposed that funds be distributed on the basis of low achievement rather than poverty.

"I believe that every child who has serious problems learning to read, write and count is in need of special help," he says.

Currently, Title I funds are distributed under a complex formula that uses the number of children from families with incomes below the federal poverty line and in homes that receive Aid for Dependent Children. Figures are based on the 1970 census.

Population, however, has shifted since 1970. The South, which has traditionally benefited more from Title I than other regions of the country, has grown more prosperous; the Northeast less so.

Critics say the Quie formula would take money away from poor school districts and give it to the middle class; thus it is frowned on by the administration.

[From the Washington Star, Nov. 13, 1977]

STUDENTS TURN DEAF EAR ON UNPAID LOAN QUERY

The Department of Health, Education and Welfare said yesterday it has received replies from only 1 percent of the 22,500 persons it contacted for being in default on student loans for at least four years.

Among the 121 replies analyzed—250 were received—only 49 persons promised to pay in full, said HEW Secretary Joseph Califano.

Califano said 35 persons refused to pay, 17 said they were unable to pay now, one asserted he is permanently disabled, which could result in the loan being forgiven, seven were dead, and 12 said they would visit an HEW office of discuss the debt.

Taxpayers have paid an estimated $413.6 million to cover government guaranteed loans to students who never paid them back. The Office of Education estimates one in six of the loans it guarantees is not paid back.

HEW mailed leters Oct. 30–31 to 22,500 of the 50,000 whose defaults are at least four years old. Letters also will be sent soon to the other 344,000 borrowers who have defaulted on federally insured loans.

HEW said the letter writing campaign is the first government effort since 1972 to reach student loan defaulters other than those employed by HEW.

The replies represent a good response rate, said Leo Kornfeld, director of student aid at HEW's Office of Education. He said many recipients quickly phoned HEW.

Kornfeld noted HEW regional offices have arranged with U.S. attorneys to prosecute defaulters.

[From the American Legion Magazine, November 1977]

U.S. CURBS THREATS OF BILL COLLECTORS, BUT DUNS STUDENT LOAN DEFAULTERS, AND INITIATES NEW WAR ON PAPERWORK

The Office of Education, meanwhile announced that it will call in a private collection agency—presumably, one of the more ethical ones—to track down student loan defaulters and collect the unpaid loans which had been federally insured.

Since the program began in 1967, some 390,000 student loans—out of approximately 4 million, have been left unpaid, leaving Uncle Sam responsible for $413 million in I.O.U.'s. Additionally, several thousand students wriggled out of their promise to pay back their tuition loans, amounting to $24 million, by going into bankruptcy.

In admitting that the collecting of the student debt was too much for his own dunning staff of 106, Leo Kornfeld, Deputy Commissioner for Student Financial Assistance, said that the decision to call in professional bill collectors is "rooted in our firm conviction that those who are able but unwilling to pay their debts do a grave injustice to the American public who provided them with an opportunity for education."

Mr. BLOUIN. Mr. Speaker, a little over 2 years ago, during the time the Subcommittee on Elementary, Secondary, and Vocational Education was conducting hearings over the reauthorization of the vocational education amendments, I began to feel there was something lacking—not so much with the concept of occupational or vocational education, but in the area of assisting students to know their interests; to know what their opportunities are; what career choices there were available to them.

This was the beginning—in my mind—of the career education concept. Since that time due to the initiative of the chairman of the Elementary, Secondary, and Vocational Education Subcommittee, my distinguished colleague and friend, the Honorable CARL PERKINS, the career education concept has developed into a piece of legislation which passed both the House and Senate in an almost unanimous fashion. I am pleased to have actively assisted the chairman in the development of this legislation and would like to commend him for being so receptive to my thoughts and ideas as the legislation was formulated for introduction last spring.

I do not feel there is a need to expound on all the components of the bill as the Members have already expressed their support for the bill during its initial passage in April. However, I do have some observations I would like to share with you prior to your vote on the conference report.

The House version was built around the principle that the bill's concept should be directed toward the elementary and secondary level. Postsecondary schools were not included as eligible recipients, however the House version did prohibit local education agencies from receiving any funds appropriated for career education demonstration projects under section 406(f) of the Education Amendments of 1974. Thus, restricting section 406(f) funds to postsecondary career education demonstration projects.

The version which passed the Senate, however, authorized $15 million for each of the 5 fiscal years of the act to be used for postsecondary career education demonstration projects, with a seemingly strong emphasis toward career placement guidance and counseling. In addition, there was no reference to section 406(f) funds.

The conference substitute kept the Senate language with the provision that "no funds may be authorized to be appropriated under section 406(f) of the Education Amendments of 1974 for postsecondary education projects in any year in which this provision is funded."

I supported the conference substitute, only because it carried a separate $15 million authorization. My reluctance was based on the fact that I see this legislation as a concept which must begin early in the elementary grades. The intent of career education—in my opinion—is that to be meaningful it must give students a more accurate picture of the workaday world. It should give them a better idea of the careers available to them in our society and it should grant them a better assessment of the skills, talents, and training they need to fill those jobs.

To be quite frank, the career education concept employed at the postsecondary level is after the fact, at least as I envision the concept. I am not opposed to the career education demonstration idea, however I would rather it would have been addressed through the vehicle contained in the House bill. The $15 million separate authorization does of course place additional emphasis on career education demonstration projects, thus I would hope that those postsecondary institutions utilizing these dollars will develop substantive projects which will be directed toward the original concept of the bill and not be used solely as dollars to assist the development of postsecondary placement services. A second observation is directed toward the 15-percent setaside for guidance and counseling, which was a part of the House-passed bill. The Senate bill contained no comparable provision, however the Senate receded to the House on this point, although the conferees wisely made clear in the conference report "that this requirement regarding a minimal expenditure for guidance and counseling activities is a requirement applicable to the State's allocation and is not a requirement which each local school district receiving funds must follow."

I actively supported the retention of the 15-percent setaside, as I believe that in order to truly develop an "integrated" career education program, guidance and counseling must be a vital component in its development. I would, however, like to direct a comment toward the guidance and counseling profession. The 15-percent setaside, grants them a specific responsibility in the development of an integrated career education program. As a Member who has actively supported the profession in the past, I will be watching for their leadership in the development of a meaningful career education program nationwide. It is a big responsibility, but one I feel confident they can master.

Mr. Speaker, my remarks thus far have been in the form of communicating the idea that those components who are mandated the responsibility of carrying out this legislation, have the responsibility of making it work—of making it a better program through demonstration projects and through the creation of innovative ideas.

I would be remiss in my words of caution, if I did not also mention that career education will not work if teachers and administrators, local school boards, business, labor, and civic officials do not help make it work. Individuals at the local level, both within and without the educational system have a wealth of background, knowledge, and experience which can be very valuable in the planning process for career education programs at the local level. That knowledge and experience will be essential in the implementation of successful career education programs. Once this legislation is enacted, I hope these individuals will accept the challenge and the responsi-

bility to assume a leadership role at the State and local level.

Mr. Speaker, I am proud to have been a part of this concept from its beginning and I urge the adoption of the conference report.

Mr. QUIE. Mr. Speaker, I have for many years urged that our schools do a better job of acquainting young people with the whole range of career opportunities open to them, and in the process involve the community and the home in that effort. There are many reasons for our unconscionably high rate of youth unemployment. but undoubtedly one is the gulf which exists between school and work. This gulf is more often bridged by vocational education, but the need for close linkages between education and work extends to all of education. It is particularly acute for our elementary and secondary schools, to which this bill is for the most part addressed.

I think it is most appropriate to recall the enormous contribution of Dr. Sidney Marland, who as U.S. Commissioner of Education and Assistant Secretary for Education in HEW brought national attention to the need for a career education emphasis in our schools. We also owe much to the original thinking and continued leadership of Dr. Kenneth Hoyt, who as Director of the Office of Career Education in the U.S. Office of Education has worked tirelessly and with great success in getting these programs started in the schools. Without their combined effort the Congress would not have moved as it has to initiate and implement a national program.

For several years now the U.S. Office of Education, operating with an appropriation of about $10 million a year, has financed model programs around the country which have demonstrated that career awareness can be successfully infused in the elementary and secondary school curriculum. Moreover, most States now have State coordinators of career education programs and thousands of school districts have made a beginning on such programs without Federal assistance. In Minnesota Ms. Phyllis Paul has been the consultant for career education in the State Department of Education and we have some outstanding programs involving schools, industry, the community, and institutions of higher education. However, we need the stimulous of Federal grants to the States to move this program beyond the project stage and make it an integral part of our total educational system.

H.R. 7 is designed for this purpose, and I am pleased to have joined Chairman PERKINS as one of its sponsors. But it is not just another authorization for Federal grants which will continue on the books for years long after the need for the initial stimulus is past. It has some unique features. For one thing, section 4(b) contains a "self destruct" provision in the authorization which will immediately test whether the Congress is serious about this program. No funds may be appropriated for any fiscal year after fiscal 1979 unless they had been appropriated for the immediately preceding fiscal year.

Thus, if no funds are appropriated for fiscal 1979, none are authorized thereafter. Also, the authorizations over 5 years start at a substantial $50 million the first year, raise to $100 million for each of the next 2, and then taper off to $50 million and $25 million for the last 2 years. This is to emphasize the conviction of our committee, which was shared in the other body, that this indeed should be a temporary program and that the very nature of the concept of career education is such that once it is firmly implanted in the educational system continued Federal assistance is unnecessary. Also, Federal grants used for paying State personnel and administrative costs may not total more than 10 percent in the first year or 5 percent thereafter. Federal funds used to pay the State staff must be matched with 25 percent non-Federal funds the second year and 50 percent thereafter; program funds have to be matched 25 percent in the third year, 50 percent in the fourth year, and 75 percent in the final year. This is intended to emphasize the declining Federal role as the program moves along.

Both versions of H.R. 7 were so structured that a very large percentage of funds going to each State—80 percent in the first year and 85 percent thereafter—will be allocated to local educational agencies for actually implementing career education programs. State leadership is important, but these Federal funds will be concentrated on funding actual programs in local school systems.

Mr. Speaker, there were not very many or very significant differences between the two versions of H.R. 7. The Senate had slightly larger authorization figures and a separate $15 million annual authorization for project grants to colleges and universities for career education programs, which we accepted. They accepted our rather unique provision for a self destructing authorization, which I have described, and for a definition of career education which stresses the relationship between work values and other life roles and choices, such as family life. They also agreed to our provision earmarking at least 15 percent of the funds not set aside for State level activities for counseling and guidance activities at the local level.

Finally, this bill authorizes support for a practical program in education for which the need is both apparent and universal, and which has been tested over a period of years. There is every indication that the stimulation which can be provided through H.R. 7 will be enough to move education in a direction which it should have taken long ago. I urge adoption of the conference report.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. SMITH of Iowa). The question is on the conference report.

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

Mr. TREEN. 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 372, nays 20, not voting 42, as follows:

[Roll No. 747]

YEAS—372

Addabbo	Eckhardt	Lagomarsino
Akaka	Edgar	Latta
Allen	Edwards, Ala.	Leach
Ambro	Edwards, Calif.	Lederer
Ammerman	Edwards, Okla.	Leggett
Anderson, Calif.	Eilberg	Lehman
	Emery	Lent
Anderson, Ill.	English	Levitas
Andrews, N.C.	Erlenborn	Livingston
Andrews, N. Dak.	Ertel	Lloyd, Calif.
	Evans, Colo.	Lloyd, Tenn.
Annunzio	Evans, Del.	Long, La.
Applegate	Evans, Ga.	Long, Md.
Ashley	Evans, Ind.	Lott
Aspin	Fary	Lujan
AuCoin	Fascell	Luken
Bafalis	Fenwick	Lundine
Baldus	Findley	McClory
Barnard	Fish	McCloskey
Baucus	Fisher	McCormack
Beard, R.I.	Flippo	McDade
Bedell	Flood	McFall
Beilenson	Florio	McHugh
Benjamin	Flowers	McKay
Bennett	Flynt	McKinney
Bevill	Foley	Madigan
Bingham	Ford, Mich.	Maguire
Blanchard	Ford, Tenn.	Mahon
Boggs	Forsythe	Mann
Boland	Fountain	Markey
Bonior	Fowler	Marks
Bonker	Fraser	Marlenee
Bowen	Frenzel	Marriott
Brademas	Frey	Martin
Breaux	Fuqua	Mathis
Breckinridge	Gammage	Mattox
Brinkley	Gephardt	Mazzoli
Brodhead	Gibbons	Meeds
Brooks	Gilman	Metcalfe
Broomfield	Ginn	Meyner
Brown, Calif.	Glickman	Michel
Brown, Mich.	Gonzalez	Mikulski
Brown, Ohio	Goodling	Mikva
Broyhill	Gore	Miller, Calif.
Buchanan	Gradison	Miller, Ohio
Burgener	Grassley	Mineta
Burke, Calif.	Gudger	Minish
Burke, Fla.	Guyer	Mitchell, Md.
Burke, Mass.	Hagedorn	Mitchell, N.Y.
Burlison, Mo.	Hall	Moakley
Burton, Phillip	Hamilton	Moffett
Butler	Hammer-schmidt	Mollohan
Byron		Montgomery
Caputo	Hanley	Moore
Carney	Hannaford	Moorhead, Calif.
Carr	Harkin	
Carter	Harrington	Moorhead, Pa.
Cavanaugh	Harris	Mottl
Cederberg	Harsha	Murphy, Ill.
Chappell	Hawkins	Murphy, N.Y.
Clausen, Don H.	Heckler	Murphy, Pa.
	Hefner	Murtha
Clay	Heftel	Myers, John
Cohen	Hightower	Myers, Michael
Coleman	Hillis	Natcher
Collins, Ill.	Holland	Neal
Conable	Hollenbeck	Nedzi
Conte	Holt	Nichols
Conyers	Holtzman	Nix
Corcoran	Horton	Nolan
Corman	Howard	Nowak
Cornell	Hubbard	O'Brien
Cornwell	Huckaby	Oakar
Cotter	Hughes	Oberstar
Coughlin	Hyde	Obey
D'Amours	Ichord	Ottinger
Daniel, Dan	Ireland	Panetta
Daniel, R. W.	Jacobs	Patten
Danielson	Jeffords	Patterson
Davis	Jenrette	Pattison
de la Garza	Johnson, Calif.	Pease
Delaney	Johnson, Colo.	Perkins
Dellums	Jones, N.C.	Pettis
Derrick	Jones, Okla.	Pickle
Derwinski	Jordan	Pike
Devine	Kastenmeier	Pressler
Dickinson	Kazen	Preyer
Dicks	Kemp	Price
Dodd	Ketchum	Pritchard
Dornan	Keys	Pursell
Downey	Kildee	Quie
Drinan	Kindness	Quillen
Duncan, Oreg.	Kostmayer	Rahall
Duncan, Tenn.	Krebs	Railsback
Early	LaFalce	Rangel

Regula	Slack	Vento
Reuss	Smith, Iowa	Volkmer
Rhodes	Snyder	Waggonner
Richmond	Solarz	Walgren
Rinaldo	Spellman	Walsh
Risenhoover	Spence	Wampler
Robinson	St Germain	Watkins
Rodino	Staggers	Waxman
Roe	Stangeland	Weaver
Rogers	Stanton	Weiss
Roncalio	Stark	Whitehurst
Rooney	Steed	Whitley
Rosenthal	Steers	Whitten
Rostenkowski	Steiger	Wilson, Bob
Roybal	Stockman	Wilson, C. H.
Rudd	Stokes	Wilson, Tex.
Runnels	Stratton	Winn
Russo	Studds	Wirth
Ryan	Stump	Wolff
Santini	Taylor	Wright
Sarasin	Thompson	Wydler
Sawyer	Thone	Wylie
Scheuer	Thornton	Yates
Sebelius	Traxler	Yatron
Seiberling	Trible	Young, Alaska
Sharp	Tsongas	Young, Fla.
Sikes	Tucker	Young, Mo.
Simon	Udall	Young, Tex.
Sisk	Ullman	Zablocki
Skelton	Vander Jagt	Zeferetti
Skubitz	Vanik	

NAYS—20

Archer	Crane	Schulze
Ashbrook	Hansen	Shuster
Badham	McEwen	Symms
Bauman	Myers, Gary	Treen
Burleson, Tex.	Poage	Walker
Clawson, Del	Satterfield	Wiggins
Collins, Tex.	Schroeder	

NOT VOTING—42

Abdnor	Diggs	Milford
Alexander	Dingell	Moss
Armstrong	Fithian	Pepper
Badillo	Gaydos	Quayle
Beard, Tenn.	Giaimo	Roberts
Biaggi	Goldwater	Rose
Blouin	Jenkins	Rousselot
Bolling	Jones, Tenn.	Ruppe
Burton, John	Kasten	Shipley
Chisholm	Kelly	Smith, Nebr.
Cleveland	Koch	Teague
Cochran	Krueger	Van Deerlin
Cunningham	Le Fante	Whalen
Dent	McDonald	White

The Clerk announced the following pairs:

On this vote:

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

Until further notice:

Ms. Chisholm with Mr. Kasten.
Mr. Dent with Mr. Quayle.
Mr. Le Fante with Mr. Whalen.
Mr. Teague with Mr. Rose.
Mr. Shipley with Mr. Kelly.
Mr. Biaggi with Mr. Cleveland.
Mr. Milford with Mr. Goldwater.
Mr. Diggs with Mr. Ruppe.
Mr. Badillo with Mr. Rousselot.
Mr. Fithian with Mr. Cochran of Mississippi.
Mr. Koch with Mr. Armstrong.
Mr. Jenkins with Mr. Cunningham.
Mr. Giaimo with Mr. Krueger.
Mr. Gaydos with Mr. Blouin.
Mr. White with Mr. Beard of Tennessee.
Mr. Van Deerlin with Mr. Moss.
Mr. Pepper with Mr. Roberts.
Mr. John Burton with Mr. Alexander.
Mr. Dingell with Mrs. Smith of Nebraska.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

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

S. RES. 328

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Honorable John L. McClellan, late a Senator from the State of Arkansas.

Resolved, That the President of the Senate appoint a committee, of which he shall be a member, to attend the funeral of the deceased Senator.

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

Resolved, That when the Senate stands adjourned or in recess today, it do so as a further mark of respect to the memory of the deceased.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 7, the Elementary and Secondary Career Education Act of 1977.

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

There was no objection.

INTERNATIONAL FISHERY AGREEMENT WITH MEXICO

Mr. MURPHY of New York. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 9794) to bring the governing international fishery agreement with Mexico within the purview of the Fishery Conservation Zone Transition Act, with a Senate amendment thereto, and recede from the disagreement to and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 8, insert:

SEC. 3. (a) Section 15 of the Coastal Zone Management Act Amendments of 1976 (15 U.S.C. 1511a) is amended as follows:

(1) Subsection (a) of that section is amended by striking out "Associate" each place it appears therein and inserting in lieu thereof in each place "Assistant".

(2) Subsection (b) of that section is repealed.

(3) Subsection (c) of that section is redesignated as subsection (b).

(b) There shall be in the National Oceanic and Atmospheric Administration a General Counsel appointed by the President, by and with the advice and consent of the Senate, who shall be compensated at the rate now or hereafter provided for level V of the Executive Pay Rates (5 U.S.C. 5316). The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of the Administration.

(c) Section 5316 of title 5, United States Code, is amended by striking out paragraph (140), and inserting in lieu thereof the following new paragraphs:

"(140) Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration."

"(141) General Counsel, National Oceanic and Atmospheric Administration."

"(142) Assistant Administrators (4), National Oceanic and Atmospheric Administration."

(d) Section 2(e) of Reorganization Plan Number 4 of 1970 (relating to the National Oceanic and Atmospheric Administration) (84 Stat. 2090) is amended—

(1) by striking out "three additional officers" in the first sentence thereof, and inserting in lieu thereof "four assistant administrators";

(2) by striking out "such officer" in the second sentence thereof, and inserting in lieu thereof "such assistant administrator", and

(3) by striking out "under the classified civil service," and inserting in lieu thereof "without regard to the provisions of title 5, United States Code, governing appointments in the competitive service,".

(e) The Secretary of Commerce may, in order to carry out the functions vested in the Secretary and carried out through the National Oceanic and Atmospheric Administration, establish, fix the compensation for, and make appointments to, eight new positions within the National Oceanic and Atmospheric Administration. Such positions may be established without regard to the provisions of chapter 51 of title 5, United States Code, and the compensation therefor may be fixed without regard to chapter 53 of such title 5, except the rates of compensation for such positions shall not exceed the maximum rate established from time to time for GS-18 of the General Schedule under section 5332 of title 5, United States Code. An appointment to each such position may be made by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons appointed to such positions shall serve at the pleasure of the Secretary. The positions authorized by this subsection shall be in addition to the number of positions otherwise authorized by law.

Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the Senate amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

Mr. FORSYTHE. Mr. Speaker, I demand a division on the question and the vote on whether to recede. On the House vote to recede, I will offer a privileged motion.

The SPEAKER pro tempore. The question will be divided.

The gentleman from New York (Mr. MURPHY) will be recognized for 1 hour.

Mr. MURPHY of New York. Mr. Speaker, the House passed H.R. 9794 on the first day of this month.

As passed by the House, H.R. 9794 would give congressional approval to the governing international fishery agreement with Mexico and it would waive the procedural requirements of the 200-Mile Fisheries Zone Act so that the agreement could go into effect immediately.

Mr. Speaker, the Senate passed H.R. 9794 with an amendment.

As passed by the Senate, H.R. 9794 retains the House-passed language of the bill—which has to do with the Mexican fisheries agreement—and it adds a new provision to the bill which would authorize the addition of new high-level positions in the National Oceanic and Atmospheric Administration—better known as NOAA.

Mr. Speaker, Reorganization Plan No. 4 of 1970 established NOAA to provide a focus for those Federal civilian programs dealing with the oceans and atmosphere. At that time the Federal efforts relating to the oceans were confined largely to scientific investigation and the provision

of ocean services such as mapping and the reporting of environmental data. Over the last 7 years NOAA has been assigned increasing responsibilities involving regulation, management, and protection of the resources of the sea.

However, the statutes that have expanded NOAA's role, such as the Fisheries Conservation and Management Act of 1976, the Marine Mammal Protection Act of 1972, and the Endangered Species Act of 1973, did not provide authority for NOAA to modify its management structure, particularly in view of its expanded mission.

Three executive level V positions established pursuant to section 2(e) of Reorganization Plan No. 4 of 1970 are in classified civil service, on the theory that their duties would be of a scientific and technical nature with a minimum of policy development. However, subsequent enactments have required NOAA to make a number of major policy decisions of a sensitivity far greater than those originally contemplated by Reorganization Plan No. 4. In the past few years, for example, NOAA officials have made several resource management and protection decisions which have vitally affected the entire U.S. fishing industry, including the tuna fleet and Indian and non-Indian salmon fishermen in the Pacific Northwest. The number and difficulty of these decisions will surely increase as the resources of the seas are further explored and developed.

Mr. Speaker, at the time the reorganization plan was submitted in 1970, it was acknowledged that NOAA development would have to be monitored and changes made in the plan as necessary. As Federal ocean programs and policy continue to develop, it may be that significant organization changes in NOAA will become necessary. However, there is a need at this time for certain less fundamental administrative changes to assure effective direction of its existing programs. The amendment to the bill provided by the Senate would give this much-needed flexibility to the Secretary to appoint needed policy-level personnel to assist in the design and implementation of the invigorated programs of NOAA.

First, the amendment would abolish the three existing civil service-level positions and replace them with four new policy-level positions to assure the Administrator the flexibility to form a team capable of vigorously confronting the challenges NOAA faces. This change is in keeping with the trend exemplified in the Coastal Zone Management Act Amendments of 1976 to exempt these types of policy positions from the classified civil service. Persons occupying the present level V positions, if not appointed to one of the new positions, would have the rights granted by title 5 of the United States Code to persons in the classified service affected by the abolition of an existing position.

Second, the amendment would make a technical change in the Coastal Zone Management Act Amendments of 1976 to change the title of head of that program from "Associate Administrator" to "Assistant Administrator" to match the title of others of the same rank.

Third, it would authorize a General Counsel to be appointed by the President, by and with the advice and consent of the Senate, to be compensated at a level V executive pay rate. The General Counsel would serve as the chief legal officer for all matters that may arise concerning NOAA when carrying out its functions.

Finally, the amendment would authorize the Secretary to appoint eight new positions in NOAA at pay rates not to exceed GS–18. While NOAA has been able, by virtue of special legislative provisions, to add high level scientific personnel, it is unable to add top-level career personnel with backgrounds in fields like economics, political science, resource management, law and regulatory policy. These skills are essential if NOAA is to respond to its increased responsibilities for enforcement, management, and policy development under the new legislation of the last 4 years.

Mr. Speaker, I urge the prompt passage of H.R. 9794, as amended by the Senate.

Mr. Speaker, at this time I yield to the distinguished gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, I thank the gentleman. If this is the appropriate time, I have a privileged motion at the desk and I ask for its consideration.

The SPEAKER pro tempore. The first question is, Will the House recede from its disagreement to the Senate amendment.

The House receded from its disagreement to the Senate amendment.

PREFERENTIAL MOTION OFFERED BY MR. FORSYTHE

Mr. FORSYTHE. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. FORSYTHE moves to concur in the amendment of the Senate with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SEC. 3. (a)(1) Section 2 of Reorganization Plan Numbered 4 of 1970 (relating to the National Oceanic and Atmospheric Administration, 84 Stat. 2090) is amended to read as follows:

"(e)(1) There shall be in the Administration a General Counsel and five Assistant Administrators, one of whom shall be the Assistant Administrator for Coastal Zone Management and one of whom shall be the Assistant Administrator for Fisheries. The General Counsel and each Assistant Administrator shall be appointed by the Secretary, subject to approval of the President, and shall be compensated at a rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

"(2) The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of the Administration.

"(3) The Assistant Administrator for Coastal Zone Management shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

"(4) The Assistant Administrator for Fisheries shall be responsible for all matters related to living marine resources which may arise in connection with the conduct of the functions of the Administration."

(2) Subsection (a) of section 15 of the Coastal Zone Management Act Amendments of 1976 (15 U.S.C. 1511a) is repealed.

(b) Section 5316 of title 5, United States Code, is amended by striking out paragraph (140) and inserting in lieu thereof the following new paragraphs:

"(140) Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration.

"(141) Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

"(142) Assistant Administrators (3), National Oceanic and Atmospheric Administration.

"(143) General Counsel, National Oceanic and Atmospheric Administration."

(c) Section 5108(a) of Title 5, United States Code, is amended by striking out "3293" and inserting in lieu thereof "3301".

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

The SPEAKER pro tempore. Is there objection to the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, the gentleman from New Jersey has offered an amendment that was carefully worked out with the members of the Post Office and Civil Service Committee. The net effect of the amendment is to insure that NOAA has an Assistant Administrator of Fisheries as well as an Assistant Administrator for Coastal Zone Management. It would also add eight more supergrade positions to the civil service supergrade pool, with these eight new supergrade positions to be slotted to NOAA.

As I just mentioned, this legislation adds eight supergrades to the National Oceanic and Atmospheric Administration, but the amendment offered by the gentleman from New Jersey keeps it within section 5108(a) of title 5 of the United States Code, and these eight supergrades for NOAA come out of the civil service supergrade pool.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentleman from New York and the other gentlemen on the committee for listening and trying to correct this problem. I think we have all been concerned about the growth of supergrades, and we were worried about the Senate language before this amendment was offered. The Civil Service Commission lost all management over mushrooming numbers of supergrades because of people slipping them in everywhere.

If the Senate language held these eight supergrades would not be qualified under the merit system and would not come from the central supergrade pool Civil Service controls. This amendment insists the supergrades be qualified under the merit system and come from the pool by increasing the pool to include them. This allows Civil Service to oversee the growth of supergrades. Every agency wants more. There must be a check.

We are certainly hoping that the Civil Service Commission sees our legislative intent in that the eight additional slots in the supergrade pool are for NOAA. I

want to thank the committee for working hard to work out this problem.

Mr. MURPHY of New York. I want to thank the gentlewoman from Colorado for her contribution. The Committee on Merchant Marine and Fisheries is grateful to her and to Chairman Nix for their cooperation. I want to particularly thank the gentlewoman for her assurance that these eight supergrades are for NOAA.

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

Mr. MURPHY of New York. I yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Speaker, I must oppose H.R. 9794 today because of certain Senate amendments to the bill. When the Senate considered the bill, providing for fishing agreements with Mexico, it added several provisions creating new supergrade and executive level positions in the National Oceanic and Atmospheric Administration. I believe this action was wrong and will further perpetuate the hodge-podge process of creating top-level positions in the executive branch. Congress and all recent administrations have tolerated this practice for too long.

HARRIS-UDALL LEGISLATION WOULD CORRECT

I have introduced legislation, H.R. 832, and cosponsored H.R. 5544, introduced by Mr. UDALL, which will bring some order to this topsy-turvy growth of high-level jobs. These bills would restore the central supergrade pool with a top numerical limit and would repeal the many disparate supergrade authorities that have created supergrade jobs outside the pool. Additionally, my bill would "sunset" all current executive level positions and require the President to submit to the Congress a comprehensive plan for executive level positions in the executive branch. Both bills would require all legislation which designates certain supergrade and executive level positions to be referred to the House Post Office and Civil Service Committee which could exercise some central control over creation of top jobs and coordinate them in a rational plan. Hearings will be held on these bills in January and I will work to see that the bills are enacted into law.

CONGRESS CONTRIBUTES TO ERRATIC GROWTH

The problem has been that various congressional committees include in their legislation the authority for additional executive level and supergrade positions to carry out the law or program authorized by the main purposes of the bill. The unfortunate result has been that these jobs come into being almost randomly—with no central, overall control or plan. No one—not Congress, not the Civil Service Commission, not the Office of Management and Budget nor the White House—provides any central focus. In fact, the Civil Service Commission has indicated that it has difficulty just finding out how many there are.

This lack of control has meant much inconsistency throughout the various agencies. The Quadrennial Commission, for example, questioned why the Special Representative for Trade Negotiations should be an executive level I, the same level as a Cabinet secretary. They pointed out that the Administrator of the Federal Aviation Administration is at level II ($57,500), but probably should be at level III ($52,500). They reported that the Administrator of LEAA is at level III but the Administrator of NASA is at level II. They suggested that perhaps the Director of the FBI should be a level III, not a level II.

CONTROL OF GOVERNMENT NEEDED AT THE TOP

The creation of these positions comes about because of several motivations. One department may want a sixth assistant secretary because another department has six. Or creating an executive level slot may be a "plum" to an individual or group. I suppose it could also be a way to give someone a pay raise.

My point is that establishing top positions and designating their grade and pay level should be considered in light of the total structure of government and public need; coordination and direction is needed at the top.

I believe we must stop this senseless sprouting of top jobs. We have been fooling ourselves for too long thinking there is someone calling the shots at the top. In reality, the situation has been an uncoordinated series of disparate acts, in which we the Congress have been a partner. I think it is time we put a stop to this.

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

Mr. MURPHY of New York. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I would just ask, in connection with this NOAA reorganization, is there anything in the reorganization designating where these supergrades will go? Let me make my point clear. I am concerned about the fact that the National Weather Service is being relegated to much more subservient status than it has had over the last few years, and for that reason we may seeing deteriorating weather forecasts in this country.

Mr. MURPHY of New York. The Administrator of NOAA is assigning one of these supergrades to the overall supervision of climate. Climate, of course, and weather, which was a basic part of the agency which eventually became NOAA, was never really given the supervision that it should have. Now, however, climate and weather are going to have one of these supergrades with the necessary scientific oversight very carefully assigned to it. In addition, I would like to point out to the gentleman that the Administrator of NOAA promised in testimony before the Committee, that he would consult us in the establishment and filling of these supergrade positions.

Mr. GLICKMAN. I am glad to hear that, because I am extremely concerned. I am hearing from meteorologists that they are also concerned that the weather forecasting in this country by the National Weather Service is not being done as it should be done. In fact, improper weather forecasting may cost lives, and also may reap agricultural turmoil. So, I appreciate the gentleman's remarks.

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

Mr. MURPHY of New York. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. I thank the chairman for yielding to me. I would just like to point out that I believe that this reorganization really is trying to build NOAA to a point where it can be far more effective as an administrative operation, where it has in the past been largely a scientific operation. I do not think it is downgraded in the scientific effort of the Agency, but since we in this Congress have added substantial missions to the role of NOAA, I think the added necessity for administration is very evident.

I think this amendment and the reorganization amendment to the bill does that, and I urge its support.

Mr. MURPHY of New York. Mr. Speaker, I thank the gentleman from New Jersey for offering the amendment and for his help and cooperation.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MURPHY of New York. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Speaker, the basic thrust of the initial legislation was to waive the 60-day period and to approve the International Fishing Agreement with Mexico. In order to show our spirit of cooperation and good will to Mexico, I endorse that part of the legislation we have here today. Hopefully, we will continue the consultation between our two countries and I look forward that our agreement with Mexico in relation to our fishing in the Mexican waters may be reconsidered in order to take care of what I consider an inequity against the shrimp industry in the United States.

Again, I repeat, to show our good faith and our spirit of cooperation in wanting to continue the consultation between our two countries in all matters which affect our two peoples, I think we should approve this legislation.

Mr. MURPHY of New York. Mr. Speaker, I move the previous question on the preferential motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from New Jersey (Mr. FORSYTHE).

The preferential motion was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL SAFE CONTAINER ACT

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8159) to establish uniform structural requirements for intermodal cargo containers, subject to the jurisdiction of the United States, designed to be transported interchangeably by sea and land carriers, and moving in, or designed to move in, international trade, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "International Safe Container Act".

SEC. 2. DEFINITIONS.

As used in this Act—

(a) The term "Secretary" means the Secretary of Transportation.

(b) The term "Convention" means the International Convention for Safe Containers, and the annexes thereto, done at Geneva, Switzerland, December 2, 1972.

(c) The term "container" shall have the same meaning as that term is defined in the Constitution.

(d) The term "international transport" means the transportation of a container—

(1) to any place within the jurisdiction of the United States from a place within a foreign country;

(2) by United States carriers between two points both of which are outside of the United States; or

(3) from any place within the jurisdiction of the United States to any place within a foreign country.

(e) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(f) The term "new container" means a container (other than a container specially designed for air transport) which is used or is designed for use in international transport, the construction of which began on or after September 6, 1977.

(g) The term "existing container" means a container (other than a container specially designed for air transport) which is used or is designed for use in international transport and which is not a new container.

(h) The term "owner" means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides.

(i) The term "safety approval plate" shall have the same meaning as that term is defined in annex I of the Convention.

SEC. 3. DUTIES OF AN OWNER.

(a) Beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, for new containers, and beginning on September 6, 1982, for existing containers, the owner of each such container—

(1) who is domiciled and has his principal office in the United States, shall have each such container initially approved in accordance with the procedure established by the Secretary or by the administration of another contracting party to the Convention; and shall, thereafter, have each such container periodically examined, as provided in the Convention, in accordance with the procedure established by the Secretary; and

(2) who is either domiciled or has his principal office in the United States, shall have each such container initially approved in accordance with the procedure established by the Secretary or by the administration of another contracting party to the Convention; and shall, thereafter, have each such container periodically examined, as provided in the Convention, in accordance with the procedure established by the administration of either the country where he is domiciled or has his principal office (so long as such country is a party to the Convention).

Any owner of either a new or existing container who is neither domiciled nor maintains a principal office in the United States, or in any other country which is a party to the Convention, may submit their containers for approval and periodic examination according to the procedure established by the Secretary.

(b) During the period beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, and before September 6, 1982, an owner of an existing container may have such container approved according to the procedure established by the Secretary, and have a safety approval plate affixed to it, if such container is found to meet the standards of the Convention.

SEC. 4. DUTIES OF THE SECRETARY.

(a) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, the Secretary shall enforce and carry out the provisions of the Convention, and, unless an earlier date is specifically provided, the provisions of this Act, in the United States.

(b) The Secretary shall, as soon as practicable after the date of enactment of this Act, promulgate, and from time to time, amend, those regulations he deems necessary for such enforcement. Such regulations, among other things, shall—

(1) establish procedures for the testing, inspection, and initial approval of existing and new containers and of designs for new containers, including procedures relating to the affixing, invalidating, and removal of safety approval plates for containers;

(2) establish procedures to be followed by owners of containers relating to the periodic examination of containers, as provided in the Convention; and

(3) provide a method for developing, collecting, and disseminating data concerning container safety and the international transport of containers.

(c) At any time after the date of enactment of this Act, the Secretary may—

(1) authorize the affixation of a safety approval plate to any container which, after examination, is found not to have a safety approval plate attached to it and which the owner has established meets the standards of the Convention;

(2) delegate and withdraw the delegation of authority to initially approve existing and new containers and designs for new containers, and to authorize the affixing of safety approval plates; and

(3) establish a schedule of fees to be charged and collected for services performed by the Secretary, or under authority delegated by the Secretary, relating to the testing, inspection, and initial approval of containers and container designs.

(d) Those delegations made under subsection (c)(2) may be made to any person, including any public or private agency or nonprofit organization. The Secretary before making any delegation under such subsection, shall promulgate regulations relating to—

(1) the criteria to be followed in selecting a person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection;

(2) the manner in which such recipient shall carry out such delegated functions, including the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise; and

(3) the review that will be carried out by the Secretary to determine that any recipient of delegated functions is performing properly the functions so delegated.

No recipient of authority delegated under such subsection may assess or collect, or attempt to assess or collect, any penalty for violation of any provision of this Act, the Convention, or any order of the Secretary issued under this Act, or issue or attempt to issue any detention or other order. Any records required to be kept by regulations promulgated by the Secretary under this subsection shall be available to the Secretary, for inspection, upon request. The name and address of the recipient, if other than the owner, together with the functions so delegated and the period of designation, shall be published in the Federal Register and otherwise publicized as appropriate.

(e) The Secretary shall, to the maximum possible extent, encourage the development and use of intermodal transport, using containers constructed to facilitate economical, safe, and expeditious handling of containerized cargo without intermediate reloading while such cargo is in transport over land, air, and sea areas.

SEC. 5. ENFORCEMENT.

(a)(1) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, to ensure compliance with this Act, and with the Convention, the Secretary may—

(A) examine, or require to be examined, new containers, and existing containers which are subject to this Act, in international transport, and test, inspect, and approve designs for new containers and new containers being manufactured;

(B) issue a detention order removing or excluding a container from service until the owner of the container establishes to the Secretary's satisfaction that the container meets the standards of the Convention, if the container is subject to this Act and does not have a valid safety approval plate attached to it, or if there is significant evidence that such a container bearing a safety approval plate is in a condition which creates an obvious risk to safety; and

(C) take whatever other appropriate action he deems necessary, including issuance of any necessary orders, to remove the container involved from service, or restrict its use, in those instances where he finds that a container is not in compliance with the provisions of this Act or the Convention but does not present an obvious risk to safety. The Secretary may permit the movement to another location of a container which he finds to be unsafe or which does not have a valid safety approval plate affixed to it, under whatever restriction he considers necessary and consistent with the intent of the Convention, for repair or other appropriate disposition.

(2) Beginning on September 6, 1982, the Secretary may examine or require to be examined any existing container in international transport.

(b) The owner of the container involved in any action taken by the Secretary under this section with respect to an examination of a container, shall pay for or reimburse the Secretary for expenses arising from such actions, except for the costs of routine examinations of containers or safety approval plates. In addition, the owner of containers submitted to the procedure established by the Secretary for testing, inspection, and initial approval, and the manufacturers who submit designs of containers to the procedures established by the Secretary for testing, inspection, an initial approval shall pay for or reimburse the Secretary for the expenses arising from such testing, inspection or approval. Funds received by the Secertary in reimbursement shall be credited to the appropriations bearing the cost thereof.

(c) A container bearing a safety approval plate authorized by a country which is a party to the Convention shall be presumed to be in a safe condition unless there is significant evidence that the container creates an obvious risk to safety.

(d) Whenever the Secretary issues a detention or other order under this section, he shall promptly notify, in writing, either the owner of the container subject to such order, his agent, or, when the identity of such owner is not apparent from the container of shipping documents, the custodian. The notification shall reasonably identify the container involved, give the location of the container, and reasonably describe the condition or situation which gave rise to the order. An order issued by the Secretary under this section

shall remain in effect until the container is declared by the Secretary, or under regulations promulgated by the Secretary, to be in compliance with the standards of the Convention, or until it is permanently removed from service, whichever first occurs.

(e) If there is reason to believe that a container to which there is affixed a safety approval plate issued by a foreign country was defective at the time of approval, the Secretary shall notify the country which issued the approval of such defect.

SEC. 6. PENALTIES.

(a) On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, any owner, agent, or custodian who—

(1) has been notified of an order issued by the Secretary under section 6; and

(2) fails to take reasonable and prompt action to prevent or stop a container subject to that order from being moved in violation of that order;

shall be subject to a civil penalty of not more than $5,000 for each container so moved. Each day the container remains in service while the order is in effect shall be treated as a separate violation.

(b) The Secretary shall assess and collect any penalty incurred under this section, and, in his discretion may remit, mitigate, or compromise any such penalty. No penalty shall be assessed until after the person charged has been given notice and an opportunity for a hearing. In assessing, remitting, mitigating, or compromising a penalty the Secretary shall consider the gravity of the violation, the hazards involved, and the record of the person charged with respect to violations of this Act or of the Convention. Upon failure of any person to pay any penalty assessed against him by the Secretary, the Secretary shall request the Attorney General to begin an action in any district court of the United States to recover the amount of the penalty unpaid.

SEC. 7. EMPLOYEE PROTECTION.

(a) No person shall discharge or in any manner discriminate against an employee because the employee has reported the existence of an unsafe container or reported a violation of this Act to the Secretary or his agents.

(b) An employee who believes that he has been discharged or discriminated against in violation of this section may, within 60 days after the violation occurs, file a complaint alleging discrimination with the Secretary of Labor.

(c) The Secretary of Labor may investigate the complaint and, if he determines that this section has been violated, bring an action in an appropriate United States district court. The district court shall have jurisdiction to restrain violations of subsection (a) of this section and to order appropriate relief, including rehiring and reinstatement of the employee to his former position with back pay.

(d) Within 30 days after the receipt of a complaint filed under this section the Secretary of Labor shall notify the complainant of his intended action regarding the complaint.

SEC. 8. AMENDMENTS TO THE CONVENTION.

(a) The Secretary of State, with the concurrence of the Secretary, may propose amendments to the Convention or may request a conference for amending the Convention in accordance with article IX of the Convention. An amendment communicated to the United States in accordance with article IX(2) of the Convention may be accepted for the United States by the President, with the advice and consent of the Senate. The President may make a declaration that the United States does not accept an amendment.

(b) The Secretary of State, with the concurrence of the Secretary, may propose amendments to the annexes of the Convention, may propose a conference for amending annexes to the Convention and shall consider and act on amendments to the annexes of the Convention adopted by the Maritime Safety Committee and communicated to the United States in accordance with article X(2) of the Convention. If a proposed amendment is approved by the United States, the amendment shall enter into force in accordance with article X of the Convention. If any proposed amendment is objected to, the Secretary of State shall promptly communicate the objection as provided in article X(3) of the Convention.

(c) The Secretary of State, with the concurrence of the Secretary, shall appoint an arbitrator when one is required to resolve a dispute within the meaning of article XIII of the Convention.

SEC. 9. AUTHORIZATION OF APPROPRIATION.

Beginning with the fiscal year ending September 30, 1979, and for each fiscal year thereafter, there are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8159, a bill to implement the International Convention for Safe Containers, 1972, as reported by the Committee on Merchant Marine and Fisheries.

The bill represents a legislative proposal from the Secretary of Transportation which was referred jointly to the Committee on Interstate and Foreign Commerce and the Committee on International Relations. Subsequent to that time, discussions with the other committees and with the Parliamentarian's office resulted in a unanimous consent request by Chairman HARLEY O. STAGGERS of the Committee on Interstate and Foreign Commerce that the executive communication also be referred to the Committee on Merchant Marine and Fisheries, which has jurisdiction over the U.S. Coast Guard. The Coast Guard participated in drafting the proposal, was deeply involved in the drafting of the international convention which this proposal would implement, and will be the agency principally responsible for its enforcement.

This is new legislation to provide regulatory authority to govern the safe movement of intermodal cargo containers moving in international trade. International regulations were nonexistent and had been considered unnecessary due to the excellent safety record, achieved largely due to the effectiveness of principles developed in the U.S. private sector.

Notwithstanding this record, in recent years, a number of nations indicated their intention of developing unilateral regulations which would be applied to all containers crossing their borders. The convention signals concern and agreement by the international community that safe container regulations would best be developed on a common basis.

This legislation will enable the United States to ratify the convention, thereby permitting U.S. containers to continue to move freely in international trade. It will also provide the United States with the capability of carrying out a domestic program for approving containers, for issuing safety approval plates, for regulating and policing the approval process, and for removing defective containers from international trade. This authority will provide for control and enforcement measures to assure the continued safe movement of all containers.

The Subcommittee on Coast Guard and Navigation, the Subcommittee on Merchant Marine, and the Committee on Merchant Marine and Fisheries have endorsed the bill, as amended, by unanimous voice vote. The Committee on Interstate and Foreign Commerce and the Committee on International Relations, after considering the action taken as reported, elected not to hold hearings or to file separate reports on the bill. Instead, the chairmen of these committees forwarded letters to the chairman of the Merchant Marine and Fisheries Committee, endorsing the action which had been taken. Copies of those letters are included in the report and should serve the purposes of the rule for action by all the committees to whom the bill was jointly referred. I want to thank my colleagues for their expeditious endorsement and complete support.

I now call upon the House to favorably act on H.R. 8159 to enable the United States to become a party to the International Convention for Safe Containers at the earliest possible date.

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

Mr. MURPHY of New York. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, I would like to join my colleagues in urging the House to agree to H.R. 8159, the International Safe Container Act, as amended by the Senate on November 4, 1977.

H.R. 8159 implements the International Convention for Safe Containers, and the annexes thereto, signed in Geneva on December 2, 1972. By its terms, the convention came into force internationally on September 6, 1977. The Senate gave its advice and consent to ratification on September 15, 1976.

The Safety Convention specifies the structural requirements which transport containers must meet to assure a high level of human safety in the normal handling, stacking, and transportation of such containers. H.R. 8159 provides that containers subject to the bill must meet the minimum safety standards prescribed in the convention.

Basically, the Senate amendment adds language directing the Secretary of Transportation to encourage the development and use of intermodal transportation by containers, specifies the duties of a container owner with regard to initial approval and periodic inspection of containers, and sets forth the conditions under which a delegation of authority to approve containers and to affix the safety

approval plate may be made. The amendment also extends the applicability of the civil penalty provision to include authorized corrective orders in addition to "detention orders," and moves the effective date provisions to each concerned section rather than one "effective date" section.

I believe this is a good bill, and urge the House to accept the Senate amendment.

The SPEAKER pro tempore. Is there objection to the first request of the gentleman from New York (Mr. MURPHY)?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 8422, RURAL HEALTH CLINIC SERVICES

Mr. ROSTENKOWSKI. Mr. Speaker, I call up the conference report on the bill (H.R. 8422) to amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, 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 pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 1, 1977.)

Mr. ROSTENKOWSKI (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 30 minutes, and the gentleman from Tennessee (Mr. DUNCAN) will be recognized for 30 minutes.

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

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

Mr. Speaker, I am pleased to call up the conference report on H.R. 8422, a bill to provide medicare and medicaid coverage for services furnished in rural health clinics. Approval of this report represents the final congressional step toward enactment of a bill that has been of great personal interest to me since my colleague from Tennessee, Mr. DUNCAN, and I went into the mountains of Tennessee to observe the dedicated work of practitioners furnishing services in rural clinics.

I would like to commend my colleague, Mr. ROGERS, for his contribution to this legislation and the distinguished gentleman from Georgia, Senator TALMADGE, for paralleling our efforts in the Senate.

Mr. Speaker, the minor differences between the two bills were resolved in the conference in an expeditious manner.

With respect to eligible clinics, the conferees' agreement provided that clinics are eligible which are located in rural areas designated by the Secretary as having medically underserved populations under title XIII of the Public Health Service Act or designated as having a shortage of medical care manpower under title III of the Public Health Service Act. Rural areas are areas other than urbanized areas as defined by the Bureau of the Census. In addition to clinics located in the defined shortage areas, a private, nonprofit clinic which, as determined by the Secretary to have an insufficient supply of physicians, would be eligible for coverage as a rural health clinic.

The House conferees accepted the Senate amendment which deletes the term "primary care practitioner" and substitutes the terms "nurse practitioner" and "physician assistant." Members will recall that the term "primary care practitioner" was used in the House bill only because of the objections to the term "physician extender" used in the rural clinic as originally introduced. The use of the two distinct terms to describe the various types of practitioners covered under the bill appears to effectively resolve this issue.

The conferees also agreed to a modification of a Senate provision relating to home health services furnished by a rural health clinic. The agreement provides that, in areas without home health agencies, the services of a professional registered nurse or a licensed practical nurse furnished to homebound patients could be covered as rural clinic services.

The House provisions requiring clinics to furnish routine lab services and drugs necessary for emergency cases were accepted by the Senate conferees with the modification that the availability of emergency drugs would be mandatory only to the extent allowed by State and Federal law. The Senate also accepted the House provision which assures that rural clinics located in areas which subsequently lose their designations as rural or as having a shortage of medical services would continue to be eligible as a rural health clinic under medicare and medicaid.

The Senate conferees were unwilling to accept the House provision which would have directed the Secretary to provide medicare reimbursement on a demonstration basis for comprehensive mental health centers. The conferees instead agreed to a 6-month study of the merits of extending medicare coverage for mental health centers and centers for drug abuse and alcoholism.

Finally, the conferees agreed to a Senate amendment relating to the National Institute for Occupational Safety and Health after agreeing to a technical modification which conformed the amendment to a nearly identical provision previously approved by the House as part of a separate bill.

Mr. DUNCAN of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 8422, that would provide coverage for services under the medicare and medicaid programs that are provided by rural health clinics. It has been more than a year since the chairman of the Ways and Means Health Subcommittee—my distinguished colleague from Illinois, and I visited two rural health clinics in my own State of Tennessee. At that time, we observed on a firsthand basis how physician assistants and nurse practitioners could provide primary and emergency care of extremely high quality to many citizens—young and old—who otherwise would not have access to such treatment.

A great deal of hard work and careful deliberation on the part of my colleagues on the Ways and Means Committee and the Interstate and Foreign Commerce Committee, of the staffs of those committees, and of numerous groups and individuals has gone into this legislation. I think that we have a fine product that reflects those endeavors. Through a great deal of cooperation on the part of many diverse parties, including our medical and nursing communities, the Appalachian Regional Commission, and the physician's assistants and nurse practitioners themselves, legislation has evolved that undoubtedly will pave the way to more equitable distribution of services, and access to medical care for citizens in our rural areas.

In addition to enabling rural health clinics to obtain additional funds with which to provide vitally needed services, the legislation contains a number of provisions to insure that the clinics will have adequate governing policies, provide important routine diagnostic services, have arrangements with hospitals for referral of patients who need services that are not available at the clinic and otherwise meet standards that the Secretary may determine are necessary to insure the health and safety of patients. We also will learn a great deal about appropriate methods for reimbursing clinics in medically underserved urban areas, that employ physician assistants and nurse practitioners in providing primary care.

I am also pleased to report the bill that the House overwhelmingly approved under suspension of the rules has, if anything, been strengthened in conference. Among other things, arrangements with respect to physician supervision will be improved through even greater coordination by physicians and the nurse practitioners and physician assistants with whom they will work; clinics will be required to have appropriate procedures for utilization review, as the Secretary determines may be "necessary and feasible"; and clarifying language will be provided with respect to the administering and availability of drugs and biologicals, to allow consistency with State and Federal law.

Mr. Speaker, I have been an advocate of this legislation for quite some time, because I am convinced that it is essential and will add stature to the health legislation of our country. I now strongly urge my colleagues to approve the conference report on H.R. 8422, so that we can do our part to provide the people with a law that is timely, cost-effective, and an important step toward providing access to high-quality care for all our citizens.

Finally, Mr. Speaker, I am hopeful that the Secretary of HEW will see that the entire department cooperates with the rural health clinics, to help them in providing the people whom they serve. In

particular, I am hopeful that we will not witness what we have unfortunately seen with so many other programs Congress has enacted; namely, the issuance of burdensome, confusing, unnecessary, and expensive regulations that frequently hinder and frustrate the fulfillment of the purposes of the bill. I am confident that, with the cooperation of HEW, this program will succeed and provide a model for the development of new, efficient methods of health care delivery.

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

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

First of all, I want to compliment the distinguished gentleman from Illinois (Mr. ROSTENKOWSKI), the distinguished gentleman from Tennessee (Mr. DUNCAN), and of course, the ranking minority member on my own committee, the distinguished gentleman from Kentucky (Mr. CARTER), as well as all of the members of the committee for working together to bring this conference report to the floor.

Mr. Speaker, the House can be proud of this conference report; I recommend it for several important reasons.

This bill will help insure that rural medicare and medicaid beneficiaries have access to primary health care services. For beneficiaries living near existing rural health clinics, the bill will mandate coverage of the services of the clinic; and for those beneficiaries living in areas without such services, the bill will encourage the development of primary care services.

The bill provides assurances that these rural health clinics will be staffed by well-trained individuals and will provide quality health care.

The bill is cost conscious. It authorizes reimbursement for nurse practitioners and physician assistants, who are capable of providing good quality medical care under the supervision of a physician, but whose salaries are far less than those of physicians. It also mandates reimbursement on a cost-related basis but gives the Secretary of HEW authority to insure that only necessary costs are incurred.

The bill recognizes the many dedicated consumers and providers of primary care services in the rural areas of our country who are working together to develop new primary care services.

And last, the bill recognizes the unique circumstances under which rural health clinics provide primary care services and tailors the reimbursement system to meet those well-defined circumstances.

Members will note that the conference report allows RN's or LPN's employed by a rural health clinic to provide intermittent nursing care to home-bound patients if there is a shortage of home health agencies in the area. It should be stressed that these services would be provided under a written plan of treatment approved by a physician. The physician would be responsible for that plan of treatment, and would, of course, exercise his personal judgment regarding the appropriateness and adequacy of care to be provided by the personnel available. Additionally, it should be stressed that the requirements of State law would continue to be applicable regarding the care delivered. If an LPN is allowed to provide care only under the supervision of an RN under a State law, this requirement would continue to be binding.

I would like to add that it is the expectation of the conference committee that the urban clinic demonstration will include physician-directed clinics which have part-time physicians as well as full-time physicians.

I urge adoption of the conference report.

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

Mr. ROSTENKOWSKI. I am happy to yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I strongly support the conference report on H.R. 8422 which amends titles 18 and 19 of the Social Security Act to provide payment for rural health clinic services. This legislation means much to the rural areas such as I represent. I happen to have a hospital in my area which is rather unique in the United States in that in it there is a school of midwifery. The midwives from there work helping to deliver youngsters throughout the mountains of eastern Kentucky, as they have done over the years. This legislation will be of great help to them.

Moreover this measure provides demonstration authority to pay for comparable services in medically underserved urban areas—reaching several million more Americans. Thus the people in the ghettos will be able to receive decent medical care through physicians' assistants' and nurse practitioners' services.

Mr. Speaker, I take a special interest in this bill because I am personally familiar with the severe lack of accessible health services for many Americans living in rural areas.

As representative of a rural district in southeastern Kentucky and having practiced medicine for many years in that area before coming to congress I can assure my distinguished colleagues that this legislation is needed.

Because I felt that this problem was so important I introduced my own legislation, H.R. 6259, last April to provide a similar approach to reimbursing rural clinics.

I am pleased that many of the features of my legislation have been incorporated into the conference report provisions.

In particular I am pleased that the conferees agreed to reaffirm our committee's direction to the Department of HEW to conduct demonstration projects to provide coverage of preventive health services furnished by these clinics.

The concept of reimbursing preventive services was included in my original legislation, and I believe this demonstration approach will prove very fruitful.

It is my belief that provision of preventive health care will ultimately be cost-effective in the long run, and that such measures should be incorporated into our health care delivery system whenever possible. As we know, an ounce of prevention is still worth a pound of cure.

At this point, I would like to include for the RECORD an excerpt from pages 11–12 of the Commerce Committee's report on the Rural Clinics Legislation which describes in detail our committee's intent regarding the preventive services demonstrations:

DEMONSTRATION PROJECTS FOR PREVENTIVE HEALTH SERVICES IN RURAL AND URBAN HEALTH CLINICS

The committee recognizes that our present reimbursement system provides payment for the treatment of disease. The committee believes that mechanisms for paying for preventive health care services must be tested to determine whether the provision of such services will result in improved health status and will reduce health care cost. The committee believes that section 222 of the Social Security Amendments of 1972 provides broad authority for HEW to carry out demonstration projects to reimburse preventive health services. Because this authority exists the committee did not amend the bill, but it is the committee's intent that the Secretary will conduct demonstration projects in which rural health clinics covered by the bill and urban health clinics participating in the demonstration projects will be reimbursed on a cost basis for providing preventive health care. The committee intends for HEW to include a broad range of preventive health services and activities and expects that those services and activities will include:

(a) Physical exams and diagnostic services made in connection with such an exam for the purpose of assessing an individual's physical condition without regard to whether such individual has manifested symptoms of illness;

(b) Health education and counseling designed to prevent nutritional or other health problems of the individual, including counseling for conditions of terminal illness;

(c) Immunizations and services related thereto;

(d) Services for illness management designed to minimize handicapping and discomforting conditions due to a chronic illness;

(e) Preventive dental care; and

(f) Other activities carried out by clinic staff which promote health and well-being regardless of whether those activities are performed in the clinic, in local schools or in other public places in the community. The committee expects the demonstration project to be carried out on a broad enough scale to allow the Secretary to evaluate: (1) The effect on health status of providing such services; (2) the impact of providing such services on the rate of hospitalization, workdays lost and school absence; (3) the frequency and intensity of utilization of such services; (4) the appropriate staffing requirements of rural and urban health clinics for prover provision of such services; (5) the methods available for ensuring proper utilization and quality control of such services; (6) the extent to which services are considered and should be considered as preventive services; (7) the desirability of providing such services to individuals not eligible for medicare and medicaid; (8) the cost, including the cost per patient per year, projected cost, and cost effectiveness of providing preventive services to people who utilize rural and urban health clinics; (9) the appropriateness of cost base reimbursement and payment for such services; (10) the extent of payments made through private insurers for provision of such services; (11) present Federal and State funding for provision of such services; and (12) the appropriateness of including preventive services under title XVIII and XIX of the Social Security Act. The committee expects the Secretary to report

to Congress no later than January 1, 1981, including any recommendations for legislative change which the Secretary finds necessary and desirable as a result of carrying out this demonstration project.

Mr. Speaker, there are a few changes in this legislation from the House-passed version which I feel have improved this measure, and which I would like to mention briefly.

First, we adopted the Senate terminology of "physician assistant" and "nurse practitioner" to refer to those nonphysician personnel whose services will be covered by this legislation.

Second, the conferees agreed to include the services of nurse midwives furnished through the clinics, as eligible services for reimbursement through the clinic.

This provision is particularly important because I know through the work of the Frontier Nursing Service in my district what an outstanding job these nurse midwives can do.

Third, we adopted the Senate provision calling for a detailed study of the advantages and disadvantages of reimbursing comprehensive mental health centers under medicare and medicaid. This provision was accepted as a substitute for the House provision calling for demonstration projects. In my view, the study is a preferable approach, and I believe it will provide helpful information with regard to the types of mental health services which are available, and the costs of such services.

Mr. Speaker, I strongly support this legislation and urge its approval.

Mr. STAGGERS. Mr. Speaker, I rise in support of the conference report on H.R. 8422. I am pleased to join with my colleague, the gentleman from Illinois (Mr. ROSTENKOWSKI), in recommending the conference report on this legislation to provide medicare and medicaid payments to rural health clinics.

The spirit of accommodation and cooperation which characterized the working relationship between members of my own committee and members of the Ways and Means Committee, and the conferees from the Senate, in working out our differences on this legislation is a truly remarkable one. On this legislation, as on H.R. 3, the Medicare-Medicaid Antifraud Amendments which were signed by the President on October 25, this constructive working relationship resulted in a stronger and more comprehensive piece of legislation. I commend particularly the chairmen of the health subcommittees—PAUL ROGERS of the Commerce Committee and DAN ROSTENKOWSKI of the Ways and Means Committee—and the ranking minority members of the subcommittees, TIM LEE CARTER and JOHN DUNCAN, for their dedicated work to address the problems of rural health clinics and to bring legislation to fruition in this session.

The conference report has retained all of the essential features of the bill that passed the House. I am particularly pleased to note the retention of the provision which assures continued eligibility for medicare and medicaid funding for rural clinics once they have qualified for program payments. These clinics need assurance that they will not lose their status as qualified providers simply because the characteristics of the area within which they are located change, if they are to be economically stable.

I am also pleased that our accommodation with the Senate allowing payments to clinics in medical manpower shortage areas as well as areas with medically underserved populations which are not urbanized, and to existing nonprofit clinics which are operating in nonurban areas where the Secretary finds the supply of physicians insufficient, is quite similar to the position recommended by the Committee on Interstate and Foreign Commerce when it reported H.R. 8422 to the House.

This is a good conference report. The legislation will be of great assistance in bringing more adequate health care services to the residents of rural areas throughout the Nation. I urge the adoption of the conference report.

Mr. PREYER. Mr. Speaker, I am particularly pleased that the House has taken such a positive position in support of this legislation. The rural health clinic bill will go a long way toward increasing access to health care for millions of Americans.

I am satisfied with the bill before us today. The conference committee was fair and understanding, and the result is a bill which was unanimously acceptable to the conferees.

Many people will benefit from the conference language that guarantees that the presence of a clinic already in place is not grounds to decide that an area is not a shortage area. The clinics in Snow Camp, Carolina Beach, Westfield, and Saluda, N.C., which fit into this category, will be able to continue to provide the excellent service and care to which the rural citizens in these areas have been accustomed.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my own remarks, and also that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

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

There was no objection.

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 8422

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 418) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 8422.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 418

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 8422) to amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In proposed subsection (aa) of section 1861 of the Social Security Act (as added by section 1(d) of the bill) (A) strike out "providing rural health clinic services" in paragraph (2)(A) and insert in lieu thereof "furnishing to outpatients services described in subparagraphs (A) and (B) of paragraph (1)"; (B) strike out "such clinic" in paragraph (2)(B); and (C) strike out "the services referred to in subparagraph (A) which it provides" in paragraph (2)(E) and insert in lieu thereof "those services described in paragraph (1) which it furnishes".

(2) In section 1(e) of the bill (A) strike out "of the Social Security Act, except for clause (i) of such section" and insert in lieu thereof "or section 1905(1) of the Social Security Act, except for clause (i) of section 1861(aa)(2)"; and (B) strike out "titles XVIII or XIX" and insert in lieu thereof "title XVIII or XIX, respectively,".

(3) In section 1(i)(4) of the bill insert "in the last sentence" before "and inserting".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 7345, VETERANS AND SURVIVORS PENSION ADJUSTMENT ACT OF 1977

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 419) directing the Clerk of the House of Representatives to make certain corrections in the enrollment of H.R. 7345, to amend title 38 of of the United States Code to increase the rates of disability and death pension and to increase the rates of dependency and indemnity compensation for parents, and for other purposes, which passed the House Thursday, November 3.

The Clerk read the title of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 419

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 7345) to amend title 38 of the United States Code to increase the rates of disability and death pension and to increase the rates of dependency and indemnity compensation for parents, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 101(1) of the bill, strike out "section (b)(1)" and insert in lieu thereof "subsection (b)(1)".

(2) In the table in section 415(c)(1) of title 38, United States Code, as proposed in section 201(3) of the bill, strike of "3,700" and insert in lieu thereof "3,770".

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

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I do not plan to object, I yield to the gentleman from Mississippi, the distinguished chairman of the subcommittee, to explain this technical correction.

Mr. MONTGOMERY. Mr. Speaker, when we passed the pension bill, H.R. 7345, on November 3, we corrected some errors in the pension rate structure; however, in doing so, we inserted one wrong figure and this resolution will simply take care of that mistake. It changes one income limitation figure from $3,700 to $3,770.

I can assure my colleagues that the other body has agreed to this change.

Mr. HAMMERSCHMIDT. Mr. Speaker, I concur fully with the explanation of the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REORGANIZATION PLAN NO. 2 OF 1977

Mr. BROOKS. Mr. Speaker, pursuant to section 912 of Public Law 93–17, 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 resolution (H. Res. 827), to disapprove Reorganization Plan Numbered 2 of 1977, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the resolution be limited to not to exceed 2 hours, to be equally divided and controlled by the gentleman from New York, Mr. HORTON, and myself.

The Clerk read the title of the resolution.

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

There was no objection.

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

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

Mr. RUSSO. 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 387, nays 2, not voting 45, as follows:

[Roll No. 748]

YEAS—387

Addabbo	Ammerman	Andrews, N.C.
Akaka	Anderson, Calif.	Andrews, N. Dak.
Allen	Anderson, Ill.	Annunzio
Ambro	Applegate	Archer
Ashbrook	Ashley	Aspin
Badham	Baldus	Barnard
Baucus	Bauman	Beard, R.I.
Bedell	Beilenson	Benjamin
Bennett	Bevill	Bingham
Blanchard	Boggs	Boland
Bonior	Bonker	Bowen
Brademas	Breaux	Breckinridge
Brinkley	Brodhead	Brooks
Broomfield	Brown, Calif.	Brown, Mich.
Brown, Ohio	Broyhill	Buchanan
Burgener	Burke, Calif.	Burke, Fla.
Burke, Mass.	Burleson, Tex.	Burlison, Mo.
Burton, Phillip	Butler	Byron
Caputo	Carney	Carr
Carter	Cavanaugh	Cederberg
Chappell	Clausen, Don H.	Clawson, Del
Clay	Cohen	Coleman
Collins, Ill.	Collins, Tex.	Conable
Conte	Corcoran	Corman
Cornell	Cornwell	Cotter
Coughlin	Crane	D'Amours
Daniel, Dan	Daniel, R. W.	Danielson
Davis	de la Garza	Delaney
Dellums	Derrick	Derwinski
Devine	Dickinson	Dicks
Dingell	Dodd	Dornan
Downey	Drinan	Duncan, Oreg.
Duncan, Tenn.	Early	Eckhardt
Edgar	Edwards, Ala.	Edwards, Calif.
Edwards, Okla.	Eilberg	Emery
English	Erlenborn	Ertel
Evans, Colo.	Evans, Del.	Evans, Ga.
Evans, Ind.	Fary	Fascell
Fenwick	Findley	Fish
Fisher	Flippo	Flood
Florio	Flowers	Flynt
Foley	Ford, Mich.	Ford, Tenn.
Forsythe	Fountain	Fowler
Fraser	Frenzel	Frey
Fuqua	Gammage	Gaydos
Gephardt	Gibbons	Gilman
Ginn	Glickman	Gonzalez
Goodling	Gore	Gradison
Grassley	Gudger	Guyer
Hagedorn	Hall	Hamilton
Hammer-schmidt	Hanley	Hannaford
Hansen	Harkin	Harrington
Harris	Harsha	Hawkins
Heckler	Hefner	Heftel
Hightower	Hillis	Holland
Hollenbeck	Holt	Holtzman
Horton	Howard	Hubbard
Huckaby	Hughes	Hyde
Ichord	Ireland	Jacobs
Jeffords	Jenrette	Johnson, Calif.
Johnson, Colo.	Jones, N.C.	Jones, Okla.
Jordan	Kastenmeier	Kazen
Kemp	Ketchum	Keys
Kildee	Kindness	Kostmayer
Krebs	LaFalce	Lagomarsino
Latta	Leach	Lederer
Leggett	Lehman	Lent
Levitas	Livingston	Lloyd, Calif.
Lloyd, Tenn.	Long, La.	Long, Md.
Lott	Lujan	Luken
Lundine	McClory	McCormack
McDade	McEwen	McFall
McHugh	McKay	McKinney
Madigan	Maguire	Mahon
Mann	Markey	Marks
Marlenee	Marriott	Martin
Mathis	Mattox	Mazzoli
Meeds	Metcalfe	Meyner
Michel	Mikulski	Mikva
Miller, Calif.	Miller, Ohio	Mineta
Minish	Mitchell, N.Y.	Moakley
Moffett	Mollohan	Montgomery
Moore	Moorhead, Calif.	Moorhead, Pa.
Mottl	Murphy, Ill.	Murphy, N.Y.
Murphy, Pa.	Murtha	Myers, Gary
Myers, John	Myers, Michael	Natcher
Neal	Nedzi	Nix
Nolan	Nowak	O'Brien
Oakar	Oberstar	Obey
Ottinger	Panetta	Patten
Patterson	Pattison	Pease
Perkins	Pettis	Pickle
Pike	Poage	Pressler
Preyer	Price	Pritchard
Pursell	Quie	Quillen
Rahall	Railsback	Rangel
Regula	Reuss	Rhodes
Richmond	Rinaldo	Risenhoover
Robinson	Rodino	Roe
Rogers	Roncalio	Rooney
Rosenthal	Rostenkowski	Roybal
Rudd	Runnels	Russo
Ryan	Santini	Sarasin
Satterfield	Sawyer	Scheuer
Schroeder	Schulze	Sebelius
Seiberling	Sharp	Shipley
Shuster	Sikes	Simon
Sisk	Skelton	Skubitz
Slack	Smith, Iowa	Snyder
Solarz	Spellman	Spence
Staggers	Stangeland	Stanton
Stark	Steed	Steers
Steiger	Stockman	Stokes
Stratton	Studds	Stump
Symms	Taylor	Thompson
Thone	Thornton	Traxler
Treen	Trible	Tsongas
Udall	Ullman	Vander Jagt
Vanik	Vento	Volkmer
Waggonner	Walgren	Walker
Walsh	Wampler	Watkins
Waxman	Weaver	Weiss
Whitehurst	Whitley	Whitten
Wiggins	Wilson, Bob	Wilson, C. H.
Wilson, Tex.	Winn	Wirth
Wolff	Wright	Wydler
Wylie	Yates	Yatron
Young, Alaska	Young, Fla.	Young, Mo.
Young, Tex.	Zablocki	Zeferetti

NAYS—2

AuCoin	Mitchell, Md.

NOT VOTING—45

Abdnor	Dent	Moss
Alexander	Diggs	Nichols
Armstrong	Fithian	Pepper
Badillo	Giaimo	Quayle
Bafalis	Goldwater	Roberts
Beard, Tenn.	Jenkins	Rose
Biaggi	Jones, Tenn.	Rousselot
Blouin	Kasten	Ruppe
Bolling	Kelly	Smith, Nebr.
Burton, John	Koch	St Germain
Chisholm	Krueger	Teague
Cleveland	Le Fante	Tucker
Cochran	McCloskey	Van Deerlin
Conyers	McDonald	Whalen
Cunningham	Milford	White

Mr. BROWN of Michigan 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 resolution (H. Res. 827), with Mr. KILDEE in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Pursuant to section 912 of Public Law 95–17 and under the unanimous-consent agreement, the gentleman from Texas (Mr. BROOKS) will be recognized for 1 hour, and the gentleman from New York (Mr. HORTON) will be recognized for 1 hour.

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

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

Mr. Chairman, today we have before us the second reorganization plan submitted to the Congress by President Carter which establishes in the executive branch a new International Communication Agency which will consolidate the function now exercised by the U.S. Information Agency and the Bureau of Educational and Cultural Affairs now in the State Department. The USIA and the Bureau will be abolished.

When he submitted the plan to Congress, President Carter said the purpose of the reorganization is "to broaden our informational, educational, and cultural intercourse with the world since this is the major means by which our Government can inform others about our country and inform ourselves about the rest of the world." He went on to say that the new agency "will play a central role in building these two-way bridges of under-

standing between our people and the other peoples of the world."

The plan was considered by the Committee on Government Operations, and it was reported to the House with a vote of 34 to 3. The committee concluded that the new agency will improve the administration of the laws relating to cultural and educational exchanges between the people of the United States and the people of foreign nations and it will facilitate the communication abroad of factual information about the United States.

During the course of our consideration of the plan, a number of questions were raised which resulted in amendments submitted by the President. It is our opinion that the amendments have improved the reorganization making it more acceptable to the House.

I call your attention to three matters which have aroused some concern. The first involves the integrity of the Voice of America. In submitting the plan to the Congress, the President referred to the charter enacted by the Congress which provides that "VOA news will be accurate, objective, and comprehensive," and that VOA will "present a balanced and comprehensive projection of significant American thought and institutions." He stated that under his administration the Voice of America "will be solely responsible for the content of news broadcasts—for there is no more valued coin than candor in the marketplace of ideas."

There has also been some concern about the relationship of the new International Communication Agency to the Department of State. The USIA is presently subject to policy direction from the Secretary of State. The plan makes no significant change in this status. We asked for further clarification on this point and were advised by the Executive Associate Director of the President's reorganization project that although the Secretary will provide the agency with general policy direction, including direction as to foreign policy, to assure that the actions of the agency are not inconsistent with such policy, the Secretary will have no operational role with respect to the budget, management, personnel, or general day-to-day operation of the agency. I might add that the reorganization enhances the status of the director of the new agency as he will serve as the principal adviser to the President, the National Security Council, and the Secretary of State on International Communication.

To assure that the objectivity of the exchange program is continued, the plan requires the director of the new agency "to insure that the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the director are maintained."

It was estimated by the Congressional Budget Office that the plan would result in no additional cost to the Government and may achieve a small cost saving.

It is our opinion that the plan meets the requirements of the Reorganization Act and that it will improve the administration of the programs to be carried out by the new agency. We, therefore, support this reorganization and urge the House to allow it to go into effect.

House Resolution 827 is the instrument by which we act upon the President's Reorganization Plan No. 2. Our recommendation to the House is that House Resolution 827 be rejected. Since the resolution reads that the House does not favor reorganization plan No. 2 of 1977, a vote to support the plan will be a "no" vote on the resolution. Those who oppose the plan will vote "yes."

I urge that the Members vote "no" on the disapproval resolution.

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

Mr. Chairman, while I intend to support Reorganization Plan No. 2 to establish a new International Communication Agency, I must admit that I do so with some apprehension. I am apprehensive about the plan because of the very "trying," to put it nicely, experience that our committee had with this plan. I would like to take just a few moments to expand on that remark.

Reorganization Plan No. 2 is actually just a simple consolidation of two agencies, the U.S. Information Agency (USIA) and the State Department's Bureau of Educational and Cultural Affairs, into a new agency called the International Communication Agency. In the field, both the information and cultural and educational affairs duties are performed by USIA personnel. It was only back in Washington that the two responsibilities were split. Therefore, this consolidation has been recommended for years and this particular plan should have been a very noncontroversial proposal. Unfortunately, the handling of this plan by the administration has caused our committee severe problems.

The main problem is the lack of specifics. The Reorganization Act of 1977 is very specific on what details should be in the message. Section 903(b) of the act states:

> The message shall also estimate any reduction or increase in expenditures (itemized so far as practicable), and describe any improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations, which is expected will be realized as a result of the reorganizations included in the plan.

However, this is what the President's message said regarding specifics:

> It is not practicable to specify all of the expenditure reductions and other economies that will result from the proposed reorganization and therefore I do not do so.

The second problem is that the message and the plan are not always similar. For example, in the message considerable emphasis is placed on a new mission of "listening" to others, and most of the administration witnesses stressed this point. However, there is no mention of this mission in the actual plan and under repeated questioning on how this new mission would actually be accomplished, adequate responses were not forthcoming.

The message also stated that two of the proposed four Associate Directors would be designated for the Voice of America and for Educational and Cultural Affairs, but these designations were not in the plan. This was finally corrected by an amendment from the administration, but nowhere in the message or plan is there any indication of what the other two Associate Directors will be doing. These are level IV personnel making $50,000, yet we do not know their responsibilities.

Also, it should be pointed out that under the old arrangement, there was one level IV as Assistant Secretary of State for Educational and Cultural Affairs, one level II as Director of USIA with a level IV as his Deputy. Under this new arrangement, we are doubling these executive level jobs with a level II as Director, a level III as his Assistant, and four level IV Associate Directors—again, two of which we are not sure of their position.

Perhaps the most important problem we had in the committee is that after reading the message and plan, after repeated questioning of the administration's witnesses, we are still uncertain of the relationship of the new agency with the State Department.

It should be pointed out that the administration did finally send up some background information that answered some, but not all, of the questions. Unfortunately, this material was received too late to be used in hearings and, as I previously noted, most of this information should have been in the original message.

Mr. Chairman, I understand that in the future we will be receiving reorganization plans on some very, very complex matters like retirement plans, civil rights, and legal services. If they handle these complex plans as they handled what should have been a simple plan, I will not be apprehensive at all—I will very forcefully oppose them. The new Reorganization Act of 1977 is very specific on what details should be supplied to Congress, and this act simply must be followed by the administration in any future reorganization proposals. If Congress continues to pass these plans under present conditions, we will not be performing our constitutional duty.

However, despite these apprehensions, I will support this plan because, as I mentioned earlier, the theory behind the consolidation of these two agencies is very sound. Since the functions were only split in Washington and not in the field, I anticipate that we will see a more efficient organization in the future.

Therefore, I urge my colleagues to support the plan by voting against the resolution.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HORTON. Mr. Chairman, I yield myself 2 additional minutes.

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

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

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to just reemphasize a portion of the remarks just made by the gentleman from New York (Mr. HORTON) and that is that this reorganization plan was handled very

haphazardly and in a very shabby fashion by the administration. I believe that many Members of the committee feel as I do, that, in their judgment, unless these reorganization plans are handled better by the administration in the future that they will face rough sledding in our Committee on Government Operations. In particular, I think many of us were offended by what has now become almost boilerplate language, not only of this administration but also of prior administrations both Democrat and Republican alike, and that is the statement that the OMB—the successor of the Bureau of the Budget—seems to like to put in in every one of these Presidential messages that it is not feasible to estimate the savings. In this particular case when the OMB and the Office of the President were asked specifically to identify the savings, it turned out those were not savings that they could identify, even though the President's message indicated that it was just not practical to identify them with particularity.

I believe the gentleman pointed out that the plan may actually cost more than the present administration and there are no savings whatsoever.

Mr. HORTON. I will agree with what the gentleman from Illinois (Mr. ERLENBORN) has said. As I stated in my opening remarks, section 903(b) of the act spells out specifically what we have asked for, and the fact is that the President said he would not give us this information.

If this happens in the future, we are not going to be willing to accept these reorganization plans. The Congress has the right to know whether there are going to be any economies that will result, and what measures are going to be taken in the reorganization plan insofar as improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations.

We are entitled to know this, and the administration ought to specifically emphasize what savings or additional savings will occur. We need this information.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HORTON. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, we need this information. We did not get it in this plan and we are serving notice on the administration that this type of information is going to be required in the future.

Mr. ERLENBORN. I thank the gentleman. I think the gentleman will recall that we on the committee inserted the language to which the gentleman is referring, seeking for particulars there in the message from the President. We did that when we extended the Presidential authority earlier this year.

It has been the purpose of our committee to try to get this President and past Presidents to specify with particularity the savings or what additional expenses may be incurred. This just has not been complied with, and I think it must be, and if it is not in the future then I think we must begin to reject some of these plans sent by the President and live up to what it is we are required to be doing.

Mr. HORTON. I thank the gentleman from Illinois.

I am sure the gentleman will agree with me—and he has been on the committee almost as long as I have and we have seen a lot of these reorganization plans—this is one of the few amendments that have been proposed. I realize we have not had amendments in the past, but certainly we do not want to have these plans sent up and then five or six amendments sent up later. If this work is done properly prior to the time the plan is sent up, there is no need for amendments.

The sending up of amendments creates problems, as it has done here, because we do not have an opportunity to go back and have hearings on the amendments after they are sent up. It is better to have the administration make decisions after consulting with the Congress before the plan is sent up. The fact that the plan was sent up and then amended indicates the plan was not very well thought out before it was sent up.

I do want to serve notice on the administration that we will hold them to this degree of specifics in the next reorganization plan that is sent up.

I thank the gentleman.

Mr. ERLENBORN. Again I thank the gentleman for yielding and I commend him for his statement.

Mr. CORCORAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN of Illinois. Mr. Chairman, I commend the gentleman in the well and our colleague, the gentleman from New York.

Mr. Chairman, I rise in support of Reorganization Plan No. 2. I think it attempts to resolve some administrative problems within our international information system and for that reason I will vote against the disapproval resolution.

I would like to point out a problem with the plan which I think is a dangerous precedent for the future. During the lengthy debate over the extension of reorganization authority, a provision was added to the President's legislative proposal which requires an estimate of any cost reduction or increas in expenditure which would result from the adoption of the plan.

As the gentleman from New York (Mr. HORTON) has stated, the President's message explained that it was not practicable to specify all of the expenditure reductions and other economies.

Mr. Chairman, this statement meets the letter of the reorganization authority statute, but it does not comply with the spirit. It may very well be that there will be no cost savings as a result of reorganization plan No. 2. If that is the case, then the administration should so state. There is no requirement that they do so. But to leave the impression that there may be some when there is probably no possibility that such a savings will occur, is less than complete candor.

We have heard a great deal about the zeal of this administration to reorganize the Federal bureaucracy. Everyone supports that goal. But cosmetic changes which do not yield concrete results in improved efficiency, delivery of services, or savings of tax dollars should not receive the approval of the Congress.

I urge my colleagues to support reorganization plan No. 2. I respectfully suggest to the President that future reorganization plans should more accurately reflect the realities of the plan and not speculate about the possibility of benefits which are not likely to occur. Mr. Chairman, the compaign of last year is over. The time to govern is now.

Mr. HORTON. Mr. Chairman, I thank the gentleman from Illinois for his remarks.

Mr. BROOKS. Mr. Chairman, I yield 10 minutes to the gentleman from Arkansas (Mr. THORNTON).

Mr. THORNTON. Mr. Chairman, first I would like to thank the distinguished chairman for yielding and for the gentleman's able leadership in the House.

Mr. Chairman, I rise in support of House Resolution 827 and urge that we vote yes to disapprove this reorganization plan. I do so recognizing that the plan may, indeed, be more efficient, that it may result in some small, although not disclosed savings in dollars, and that it may in some way permit a more efficient administration of the programs which are to be combined; but efficiency is not the supreme good in government. A basic question must be resolved and I would like to ask that we turn our attention to that question. That question is whether these programs should be mixed, whether they are of the type which should require that they be co-administered or whether these programs are different in aim and objective, whereby a mixture of the programs could cause the programs to lose their effectiveness, resulting in the loss of the great advantage which has accrued to this Nation by the operation of the cultural and educational exchanges provided for by the Fulbright-Hays educational exchange program. While I certainly agree with the administration on the importance of building bridges between nations of differing traditions, ideologies and economic systems, I am deeply concerned that, if this plan goes into effect, we will actually impair one of the most effective means of increasing international understanding that has ever been conceived. By merging the USIA's unilateral information and publicity operations with the educational and cultural activities of the Department of State, we run a real risk of compromising the growth and effectiveness of the Fulbright-Hays educational exchange program.

The purpose of the Fulbright-Hays program as authorized by Congress, is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries." Under this program, grants are made to U.S. citizens and foreign nationals for a variety of educational activities, primarily university teaching, advanced research, graduate study, and teaching in elementary and secondary schools.

The Department of State, through the Bureau of Educational and Cultural Affairs, administers this program with the

assistance of over 40 binational educational commissions and foundations in countries which have an executive agreement with the United States for a continuing exchange program; about 40 U.S. embassies in other countries; and three major cooperating agencies in the United States. In addition, the President is empowered to appoint 10 distinguished Americans to sit on the board of foreign scholarships which develops policy, supervises the academic exchanges, and is responsible for the selection of students and educational institutions who participate.

During the past 30 years, about 120,000 individuals from the United States and more than 100 participating foreign nations have received grants under the Fulbright program. While some have become Presidents, Prime Ministers, and holders of other offices which enable them to mold national and world policies, others have made important contributions to humanity in such diverse fields as education, publishing, and health administration.

Since the inception of this program in 1947, the total amount of U.S. Government funds which has been invested in it through the end of 1976, is only approximately $500 million. This averages about $17 million per year. And although the Fulbright program was begun in the United States, participating foreign nations are increasingly sharing in the cost of its exchanges. Twenty-two of the more than 40 nations which have established binational commissions to assist in the administration of the program now share in its cost through direct financial contributions. In 1976, they provided nearly $3.5 million for its operation.

While I am certain that the Carter administration intends to maintain the integrity of this program, I think it is important to note that the committee report states that by means of the merger of the functions of the USIA with the Bureau of Educational and Cultural Affairs, the USIA's fiscal year 1977 budget of $264 million will be combined with the Bureau's $59 million and the USIA's current employment level of 8,500—of which 2,200 work for the Voice of America, and 4,400 are foreign nationals employed overseas—will be combined with the Bureau's current employment level of 250 persons. In making these comparisons, it seems to me that both in terms of budget and in terms of manpower, it will be difficult, even with the best of intentions, to keep the information programs from submerging the educational and cultural programs.

It seems to me to be clear that there is a very grave risk that in making this mix, we will submerge this tremendously effective educational program to the larger program of publicity and outreach by this Nation on a unilateral basis, confusing the purposes of an educational program with that of information dissemination. I submit that this is a mix that is mistaken.

Even though the President has amended the reorganization plan in order to reflect his consideration of some of the concerns that I have articulated here, in an attempt to preserve the scholarly integrity of the program, I am concerned that it is going to be difficult, if not impossible, to keep the program from being swallowed up in the larger, more expensive operation.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

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

Mr. GARY A. MYERS. Mr. Chairman, I was swayed enough by the gentleman's argument to be concerned about the situation he described in his dear colleague letter. In all honesty, I felt that what I should do is check with the White House.

They have said that there will be a separate associate director for each one of the programs, and that this would insure the integrity of the Fulbright program. One other thing they did say was, in fact, the Fulbright program was being administered in some countries by USIA personnel because there are no other personnel to do it.

My concern was that foreign governments or people who have gone through a program such as this might be labeled with a USIA label, which would make them less effective in their own relationships later on. But, if in fact it is already being administered that way, it sort of weakened the concern on the side of the gentleman's argument.

I wonder if the gentleman has some response to the White House response to my questions?

Mr. THORNTON. I thank the gentleman for asking the question. It points out a very significant feature, it seems to me.

First of all, the White House has recognized the hazard which is involved in attempting to consolidate or combine the two programs. I do endorse the amendments which have been offered, but they do not get to the basic point as to whether the programs should be mixed or whether they should be administered together.

It seems to me we are dealing with two things here. First of all, how this country handles these programs administratively? The answer to that, it seems to me, is something that is particularly a matter of concern to this country, and efficiency goes into that question.

Another question is, how is it perceived overseas? What is the effect of combining these programs into one agency upon those nations which now participate bilaterally with us in this program? How do they perceive our mixing a program which has been a good, solid educational program, with a program which is information dissemination? If they perceive this program as becoming focused upon our own national goals and objectives, it may well be that they will be reluctant to participate as fully, and we will inadvertently damage the program.

I recognize that the White House has taken steps by amendment to try to correct this, but what they are doing, it seems to me, is trying to pull back from the mix. I suggest it should be pulled back entirely, and we should spend 1 year of study to determine exactly how this program can be best administered, and at the same time continue to meet the objectives of the Fulbright-Hays program.

Mr. GARY A. MYERS. Is the gentleman aware of any other opportunities to reorganize which could, in fact, achieve the objective the White House has in making an administrative improvement by combining with some other agency of the Federal Government that operates in the same sphere?

Mr. THORNTON. It would seem to me, without trying to articulate a reorganization plan of my own, that there are indeed a number of other agencies which are involved in information dissemination, such as Radio Free Europe, for example, or perhaps others which might be combined in an information dissemination program to achieve efficiency.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. THORNTON) has expired.

Mr. BROOKS. Mr. Chairman, I yield 3 additional minutes to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, it seems to me that the purposes of the cultural and educational exchange program could be carried forward by combining it with such things as scientific exchanges of information with other nations. Scholarship, it seems to me, is a matter which is very important. We are searching for knowledge and a better understanding of the world in which we live. And it is not appropriate to deal with that in an agency which is also directed to information dissemination.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield further?

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

Mr. GARY A. MYERS. I thank the gentleman for yielding.

Mr. Chairman, has the gentleman made any of the suggestions to the White House as an alternate line of responsibility to protect the integrity of these plans?

Mr. THORNTON. This proposal came to my attention at a time when we were in recess, and I have not made such a proposal directly to the White House.

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

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

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, in answer to the question of the gentleman from Pennsylvania, we did ask these questions when the matter was first before the subcommittee, and as a result of our concern about the integrity of these plans, the amendments were sent up and received just prior to the time we went on recess.

As I indicated in my opening remarks, I was concerned that we did not have an opportunity to have hearings, but the time is running and we have to act on this now or else it will take effect by default. So in order to give the House a chance to vote, it was important for us to bring the resolution out on the floor now.

Mr. Chairman, I will yield additional time to the gentleman from Arkansas (Mr. THORNTON) if the gentleman runs out of time. The gentleman does not have to worry about his time.

Mr. THORNTON. I thank the gentleman.

Mr. HORTON. But I do feel it is important to point out that we were concerned in the subcommittee about this matter, and it was as a result of that con-

cern that the two amendments were sent up.

One of them says that the Director shall insure that the scholarly integrity and nonpolitical character of educational and cultural exchange activities vested in the Director are maintained.

The second amendment says that the Commission's reports to the Congress shall include assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

Those amendments were sent up as a direct result of our concern in the subcommittee with regard to the very program the gentleman is talking about, the Fulbright exchange program.

Mr. THORNTON. Mr. Chairman, I do appreciate very much that these amendments were adopted out of a concern for the very issues I am talking about. I want to compliment the committee in approving these amendments. However, they do not resolve the basic issue as to whether these two functions should be mixed together.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. THORNTON) has again expired.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. THORNTON).

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. THORNTON. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Chairman, I share my colleague's concern, not only with the way in which the bureaucratic arrangements are structured, as our colleague explained so ably, but, more, how the program is perceived. I think there is a difference in being a scholar under the State Department and being a scholar under the U.S. Communications Agency. Something pertaining to information is so often construed to mean propaganda. We should really be quite careful in separating this from anything that is educational and cultural. I think the perception, despite the amendment, remains a very important element.

Mr. THORNTON. I thank the gentlewoman for her contribution.

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

Mr. THORNTON. I yield to the gentleman from Ohio (Mr. PEASE) who I believe is a Fulbright scholar.

Mr. PEASE. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the gentleman's remarks and also those of the gentlewoman from New Jersey. Perceptions are equally as important as the actual facts of the situation.

This new agency is proposed to be called the International Communications Agency, and it will bring in the U.S. Information Agency, which is certainly appropriate in the area of information and communication, but the other agency that it brings in would be the Bureau of Educational and Cultural Affairs. I submit that is not appropriate for an agency that is titled as a communications agency.

The Fulbright scholarship program, involving scholars of nationalities other than our own, is a two-way street, because we have people coming back and forth. It does involve scholarships; it is not proselytizing, it is not propaganda in any way.

It is not appropriate to have scholars fulfilling a governmental communications function, as this reorganization plan perhaps does not provide, but it might leave people to believe that they were performing that function. Indeed, such a function would be incompatible with scholarship programs.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. THORNTON) has expired.

Mr. HORTON. Mr. Chairman, I yield 4 additional minutes to the gentleman from Arkansas (Mr. THORNTON).

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

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

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

It is to me imperative that other nations not perceive the Fulbright scholarship program to be a part of our foreign propaganda effort. This is not the intent of this administration, I am sure, but it could be the actual result in the future. Surely that could at any time be the perceived result on the part of other nations, and we cannot control their presumptions.

This potentially dangerous course might be justified if there were overriding savings to be made and efficiencies of administration to be effected. But we are merely substituting one agency for another; we are not eliminating an agency. There are no appreciable dollar savings about which we have been told today, and for that reason it seems to me that this reorganization, with its built-in hazards, is not worthwhile.

Mr. Chairman, I believe we ought to vote yes for the resolution and ask the Carter administration to try again.

Mr. THORNTON. Mr. Chairman, I thank the gentleman from Ohio (Mr. PEASE).

If I may, I would like to make one additional statement.

I believe my concerns were best expressed by the author of this program, former Senator J. William Fulbright, in remarks he made on the occasion of the 25th anniversary of the Educational Exchange program between the United States and Norway, on March 7, 1975:

> If international education is to advance these aims—of perception and perspective, of empathy and the humanizing of international relations—it cannot be treated as a conventional instrument of a nation's foreign policy. Most emphatically, it cannot be treated as a propaganda program designed to "improve the image" of a country or to cast its current policies in a favorable light. Nor can its primary purpose be regarded as simply the cultivation of "good will," which may come as a by-product of serious educational activities but cannot be regarded as their direct objective.
>
> Nor can educational exchange properly be treated as an instrument of foreign policy in anything like the sense that diplomacy is such an instrument; it is indeed a corruption of the educational process—and one that is likely to fail besides—to try to use educational exchange as a means of advancing directly current political economic, or military projects. Education can be regarded as an instrument of foreign policy only in the sense that the cultivation of international perception and perspective are—or ought to be—important long-term objectives of a country's foreign policy.

Because I am deeply concerned that we may inadvertently be placing this educational exchange program in jeopardy, I urge you to support the resolution disapproving the second reorganization plan.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

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

Mr. GARY A. MYERS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, to put this in perspective, I think if a U.S. Congressman or Senator had visited South Korea, for example, under a South Korean informational services program and had gone through that program, he might find it a tremendous political liability to himself, whereas if he had participated in a cultural and educational exchange with the South Korean Government during that same period of time, the integrity of that program having been protected and well known throughout the world, clearly he would not have sustained the political damage that might otherwise have been done to him.

I think that is what we have to look at today. I am not bringing up South Korea today as a criticism against that country, but I merely suggest that currently there is a situation that exists that we must recognize which demonstrates a potential hazard in this move.

Mr. THORNTON. Mr. Chairman, I think that is a very clear illustration, one that puts this matter in perspective in a way that each of us can understand. I thank the gentleman for his contribution.

Mr. BROOKS. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, I first want to say that I commend the gentleman from Arkansas (Mr. THORNTON), who is a very distinguished and able representative of his entire State, for his diligence and his concern, particularly about the Mutual Education and Cultural Exchange Act of 1971. I want to assure the gentleman that I now have a nagging feeling that perhaps we in the Committee on Government Operations have overlooked this entire area and ought to spend a little time in really evaluating the program from an objective standpoint.

Mr. Chairman, we are aware of the concern about the Mutual Educational and Cultural Exchange Act of 1961 which the gentleman from Arkansas has expressed.

I believe that the plan, as amended, provides adequate protection for this important program in a number of ways: First, the plan requires that one of the four Associate Directors of the new agency be designated as the Associate Director for Educational and Cultural Affairs. This high status assures that

there will be one identifiable individual who, by the way, will be subject to Senate confirmation—responsible for the Fulbright program and the other educational and cultural exchange programs in the ICA.

Second, the independent Board of Foreign Scholarships, which is appointed by the President and which in turn selects the American recipients of Fulbright grants, will be retained under the plan. The Board, which has an excellent reputation, and the 43 binational commissions overseas have provided strong leadership for the program over the years and we are sure that they will continue to do so in the future.

Third, the plan expressly requires that the Director of the ICA "shall insure that the scholarly integrity and nonpolitical character of educational and cultural exchange activities" of the agency be maintained.

Fourth, the Advisory Commission on International Communication, Cultural and Educational Affairs created by the plan will report at least annually to the Congress. Its reports must include—

Assessments of the degree to which the scholarly integrity and nonpolitical character of the educational and cultural exchange activities vested in the Director have been maintained, and assessments of the attitudes of foreign scholars and governments regarding such activities.

Finally, the American academic community has a strong and abiding interest in the Fulbright-Hays program. I have no doubt that they will be vigilant on its behalf and that they will not hesitate to make their voices heard if there is the slightest hint of impropriety in the conduct of these activities.

We do appreciate the gentleman's concerns, but we have concluded that they are fully addressed by the plan and have overwhelmingly recommended that the resolution of disapproval not be agreed to and the reorganization be put into effect.

We certainly appreciate the gentleman's concerns and those of our colleague, the gentleman from Ohio (Mr. PEASE), but we in the committee have concluded that they are fully addressed by the plan and have overwhelmingly recommended that the resolution of disapproval not be agreed to and we support the procedure by which the reorganization plan will be put into effect and ask the Members to vote "no" on this disapproval resolution.

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

Mr. BROOKS. I yield to the gentleman from Arkansas.

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

I must say that I am greatly pleased to have the assurances of the chairman with respect to his continuing interest in making sure that the integrity of this program is not compromised should this reorganization plan be approved.

I would like to suggest that it would also be possible for the committee to engage in this kind of oversight and review of the plan should the resolution be adopted and the reorganization plan disapproved. This would give an adequate time for study.

I thank the gentleman for his comments.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to House Resolution 827.

If we defeat this resolution and thereby permit Reorganization Plan No. 2 to go into effect, we will consolidate into one independent agency—the International Communication Agency—the functions of the U.S. Information Agency plus the separate but, I would insist, similar educational and cultural functions now performed by the Department of State.

Mr. Chairman, I share the respect of all Members here for our distinguished friend, who preceded me in the well. The chairman of the Committee on Government Operations has given him certain assurances about future oversight activities.

I would like to share with the gentleman some results of the study that has already taken place on this subject over a period of years. I am ranking minority member on the Subcommittee on International Operations. We have held a series of hearings over a period of years on this subject. Under the leadership of the distinguished chairman, the gentleman from Florida (Mr. FASCELL), we had extensive hearings on this subject this past spring and summer.

As a result of those hearings, the subcommittee recommended unanimously that a reorganization plan along the lines of that subsequently proposed by the administration be undertaken.

Mr. Chairman, the fact is that the basic situation with which we have been confronted for years is that of two bureaucracies having generals who give the orders to one set of foot soldiers in the field. That hardly could be characterized as logical Government organization.

Mr. Chairman, I think, as I shall try to make even more plain, that the basic program about which my colleagues have expressed concern will remain untouched and unscathed. However, we do here remedy a basic flaw of organization that I think has long needed such remedy.

Many of the witnesses appearing before our subcommittee had expressed support for a proposal similar to that which we recommended. I am a little intrigued, I must admit, at the charge that has been raised that removing the educational function from the Department of State will somehow make the Fulbright-Hays program more political.

During our hearings on this subject, both this year and in the past, we have heard repeated pleas from witnesses across the spectrum not to place the USIA in the State Department and combine it in that way, least it be tainted by political considerations—that is, the USIA.

I would again remind my friends that the word "propaganda" is not really appropriate for what our Government does.

I would invite all my colleagues to go right down the street to the old HEW building and to go into that building and see the actual operations of the Voice of America and to look at the displays pertaining to the operations of the USIA generally in the world.

This is an information agency and an increasingly fine information agency in part because of the dedicated efforts of one of my fellow Alabamians, Kenneth Giddens, and the equally dedicated commitments of the employees and of present Director Mr. Straus. I am confident that, even more than in the past the USIA shall gain credibility and respect around the world for being an objective information agency, telling the world the truth and the reality of the United States. That function is not by any means or in any sense the function of a propaganda agency.

The fact that there were witnesses who were unwilling for us to put the USIA into the Department of State because it would make USIA more political underlines the fact that the Department of State is, by its nature, a political organization. Its function is international politics.

The Fullbright-Hays program has operated well and it is the concern of our subcommittee, as has here been expressed, that it continue to do so. Among the recommendations which we did make was that the integrity of the educational and cultural programs be maintained. In my judgment, the plan here before us today does just that.

A number of steps have been taken in this plan to insure that this will be the case. They include: Elevating the person who will be responsible for educational and cultural affairs to Associate Director in ICA; requiring that the ICA Director "insure that the scholarly integrity and nonpolitical character of educational and cultural exchange activities vested in the Director are maintained"; requiring that the annual reports of the U.S. Advisory Commission on International Communication and Cultural Education Affairs include assessments of how well the integrity is maintained and of the attitudes of foreign scholars and governments on these programs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORTON. I yield 3 additional minutes to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. And last, but perhaps most important, retaining the Board of Foreign Scholarships.

As the Members know, the Board is charged with the responsibility of selecting students, scholars, teachers, and others to participate in the programs. The same people who have been providing this service in the past will provide it if the reorganization plan takes effect.

The real question here is whether the outstanding Fullbright-Hays program which has operated so well over so many years and which has been so beneficial, will continue to operate in this same responsible manner under Reorganization Plan No. 2. It is my considered judgment that it will. Why? Basically, the same people will be running it.

As I just mentioned, the Board of Foreign Scholarships will remain the same. The programs are administered abroad by USIA. These same people under ICA will provide the same function. Currently, USIA personnel serve on binational

commissions in countries abroad which work with this program. ICA personnel will continue to do so.

It is my hope that, rather than degrading the educational and cultural programs conducted by the United States, this reorganization plan will give additional emphasis to these programs. In my judgment, they are more important than ever and merit additional considerations.

Mr. Speaker, I have recently returned from Belgrade where I am a member of the U.S. delegation to the Belgrade followup conference on the Helsinki accords. In signing the accords, the United States committed itself to increased activities in areas of cultural and educational exchange.

We should increase such exchanges not only because we are committed to doing so, however, because such exchanges are in the best interest of the United States.

The peoples of the world and particularly behind the Iron Curtain are hungry for information about the United States. The USIA is one of the best instruments we had to convey the reality and the totality of the United States behind the Iron Curtain.

It is also one of the best means we have to reach millions of individuals in lesser developed countries where there is limited access to news sources, often little, if any electricity and few, if any, telephones.

This reorganization plan is not devised to save vast sums of money nor, in my judgment, should it. We are on the verge of a worldwide communications revolution. The United States has been a leader in so many developments. We ought to lead in this area as well.

Our subcommittee will continue to give close attention to the operations of the new agency and I would like to take this opportunity to assure those of my colleagues who are concerned about the Fulbright-Hays program that this particular program will continue to receive our closest scrutiny.

We are concerned that its integrity be maintained and we are committed to its maintenance.

Mr. Speaker, the United States has a story to tell the world about the kind of people we are, and I believe that story, once told, will help to create and expand friendships abroad and will contribute substantially to international understanding.

In my judgment this reorganization plan being considered here today will substantially augment our efforts toward that goal. I therefore urge my colleagues to vote against the resolution of disapproval and, by so doing, vote to approve Reorganization Plan No. 2.

Mr. BROOKS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I rise in opposition to House Resolution 827 to disapprove Reorganization Plan No. 2 of 1977 relating to the U.S. Information Agency and the Bureau of Education and Cultural Affairs of the Department of State. I do so, both as a member of the Committee on Government Operations and as chairman of the Subcommittee on International Operations of the International Relations Committee, which earlier this year held extensive hearings on proposals to reorganize our public diplomacy programs. I am convinced that the organizational structure recommended by the President will provide a sound framework for strengthening our public diplomacy programs and for making our efforts more efficient and effective.

Mr. Chairman, the chairman of the Committee on Government Operations is to be commended for the dispatch with which he has handled this reorganization plan, coming as it did so late in the session. I believe that it is important that the House have this opportunity to discuss this plan, and I commend the gentleman from Texas for insuring that the House have this opportunity to debate the plan's merits.

The Committee on Government Operations report on the disapproval resolution quite accurately characterizes the primary objective of the reorganization plan when it states that, "efficiency rather than economy is the primary goal of the reorganization." This is a plan not directed fundamentally at reducing Government expenditures but at enhancing the management of the more than $320 million expended annually on public diplomacy programs. It is designed not only to consolidate diverse programs in a single agency, but in the words of the report, "to increase the independence, enhance the prestige, and thus expand the impact of the new agency's role in this vital field."

Both in the hearings of the International Operations Subcommittee and of the Government Operations Committee, a number of important issues emerged which continue to be of primary concern in any discussion of Reorganization Plan No. 2. Briefly, these issues are: First, the continuing integrity and independence of our education and cultural exchange programs; second, the integrity of the Voice of America; third, the relationship of the new agency to the Department of State and to the President; and fourth, the impact of the reorganization on employees. I would like to address myself briefly to each of these issues.

By far the single greatest cause for concern raised in connection with this reorganization plan has been its possible impact on the integrity and independence of our education and cultural exchange programs including the widely respected Fulbright-Hays program, which in the last academic year alone permitted almost 4,000 U.S. and foreign citizens to study, teach, or do research here or abroad. It was concern over this issue which led the Subcommittee on International Operations in a memorandum sent to the President on August 3, 1977, to stress the paramount importance of maintaining the integrity of our education and cultural programs, to urge continuance of an independent Board of Foreign Scholarships, and to recommend a strengthened role for the new agency's independent advisory commission in protecting the integrity and credibility of our exchange programs. Feeling as I do about the tremendous importance of these programs and convinced as I am about the absolute necessity for maintaining the program's scholarly integrity if it is to be effective, I very carefully reviewed the President's message to Congress, the reorganization plan which he submitted, and the amendments subsequently submitted as a response to congressional concern about the exchange program.

Having reviewed all these materials, I am convinced that the President has done all he can in the way of organizational safeguards to protect the integrity of this program. I do not believe that it is possible to totally prevent the application of political pressures to this or any other program no matter in which agency a program is placed. All that can be done is to put in as many safeguards as possible and to maintain vigorous congressional oversight of the program. President Carter and Congress have provided an adequate network of legal and structural safeguards, and I can assure the House that as long as I am chairman of the International Operations Subcommittee, we will make every effort possible to maintain the integrity which has characterized the Fulbright program in the past and which has made it so successful.

A second major source of concern about the reorganization plan relates to the independence and integrity of the Voice of America. There have been abuses of the Voice in the past, times when stories were killed or changed to suit the foreign policy needs of a particular moment. I think it is clear to this administration, at least, that such efforts are counterproductive, that they undermine the credibility of the Voice, are counter to the ethical basis of our political system, and in the long run simply do not work. Maintaining the integrity of the Voice of America was also a major concern of the Subcommittee on International Operations and we made the same kind of recommendations to the President about the Voice, which we made concerning our exchange programs. Here, too, I believe the President has gone as far as possible in his message, in the plan itself, and in subsequent amendments to safeguard the integrity of the Voice. Further protection can only be afforded by vigorous oversight by both Congress and the press and by the commonsense and goodwill of the principal officials of the executive branch. Both our subcommittee and other concerned committees of the Congress will continue to give this issue high priority and will urge the new advisory commission to develop means of more effectively monitoring efforts to interfere with the Voice's independence and to promptly advise Congress.

A third major concern over Reorganization Plan No. 2 has been the nature of the relationship which it envisions between the President and the Agency and the Secretary of State and the Agency. The Subcommittee on International Operations after 10 days of hearings reached the unanimous conclusion that the Bureau of Education and Cultural Affairs and the USIA be merged into a new independent agency which would work closely with the State Department, but have budgetary, personnel and administrative autonomy. We also urged that the Director of the new agency be

included in meetings of the National Security Council and the Cabinet.

Initially, the reorganization plan seemed to be ambiguous about these issues suggesting that the new agency would be subsidiary to the Department of State in ways, which I for one, considered to be completely unacceptable. However, materials subsequently submitted to the Committee on Government Operations clarified the intent of the plan. The submission of the Office of Management and Budget in this regard is summarized on page 7 of the committee's report. I believe that the plan as finally explained to the Government Operations Committee and as described in the committee's report (95–818) insures appropriate autonomy for the International Communication Agency and assigns to the Director the primary role he should play in advising the President, the National Security Council and the Secretary of State, on public diplomacy issues and programs.

One final major issue which has been discussed in connection with the reorganization plan has been that of employee rights. The President took note of the importance of this issue in his message to Congress accompanying the plan and the issue was raised by employee representatives in hearings before the Government Operations Committee. I have every reason to believe that the administration will faithfully carry out their responsibilities under the law for fair and equitable treatment of employees affected by the reorganization. This too, however, will be a matter of continuing concern to the Committee on International Relations as well as to other committees having jurisdiction in this area.

Mr. Chairman, this reorganization plan is not without its flaws, but in my opinion, it represents a reasonable and balanced approach to reorganizing our Nation's efforts to communicate effectively with the peoples of other nations. I am convinced that the plan contains maximum safeguards to protect against the misuse of either the Voice of America or our education and cultural exchange programs. I urge support for President Carter's Reorganization Plan No. 2 of 1977 and rejection of the resolution of disapproval.

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

Mr. FASCELL. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, I thank the gentleman from Florida for yielding.

Mr. Chairman, I would just like to submit that the fact that this program has worked well and has done a great job for the people of this country for 30 years in which it has not been reorganized and combined with another agency would seem to me to indicate that those people who objected to the reorganization were right in suggesting that it not be reorganized.

Mr. FASCELL. I can understand the gentleman's opinion on that and I cannot disagree with him about it. The conclusion is not accurate of course. It does not follow as a matter of logic. Nevertheless, I can appreciate the gentleman's feeling.

Let me assure the Members that the galactic luster which is now appended to Fulbright-Hays Act and the stellar sheen which it has carried all these years will not be dimmed one iota when it is reorganized as it will be now under this reorganization plan.

What are the advantages? I will tell the Members.

As the distinguished gentleman from Alabama, who is the ranking minority member on the subcommittee which I chair, has pointed out, over the years we have been following this program very closely and we have heard all these arguments before. Before the reorganization plan came up we held extensive hearings in our own subcommittee on matters of substance contained in the reorganization plan before it got to this stage, so we have been following this very carefully.

As a matter of fact, the distinguished Senator made his views known at that time, as did the academic community.

But this is one of the problems. The program, as it is now in state, with all the clout that it has and carrying the names of the two distinguished gentlemen it now carries, has been really just kind of floating along, and the reason is because it is buried in a budget of $1.2 billion.

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

Mr. FASCELL. I yield to the gentleman from Arkansas.

Mr. THORNTON. Mr. Chairman, I would like to suggest that what the gentleman has outlined, it seems to me, is a strong argument against reorganization on the basis that "if it is working, don't fix it. The program has worked well in the past."

Mr. FASCELL. Mr. Chairman, the point is we would like the program to be better. I submit to the gentleman from Arkansas that it has been very difficult to do better under the present administrative system.

The gentleman might be satisfied because the gentleman's distinguished colleague from Arkansas is obviously satisfied with the present system. But we hope that Fulbright-Hays is going to do better and not simply ride along at the same old levels.

I know I am not going to convince the gentleman, because the gentleman is committed to vote against the reorganization plan and I am committed to vote for the reorganization plan; but let me just say for the record that the USIA, as the distinguished gentleman from Alabama said, is not a propaganda agency. There are a lot of people in and out of Congress who do not understand the functions and purpose of the USIA. It is educational, and informational but it does not have a propaganda function in the generally understood adverse connotation of that word.

So I repeat that is not true, and it is not correct to say that the Voice of America is a propaganda agency. The U.S. Government has worked very hard to keep it independent and to protect its integrity. We have done that in this reorganization plan. We have raised the director of that agency to associate director for the same reason that we have made the director of education and cultural affairs an associate director; and that is to guarantee the Voice of America's integrity. Their job is to tell the news like it is, and to be a conduit for the explanation of U.S. foreign policy.

Finally, the programs at issue have been living together all of this time since they are administered in the field by one agency. I cannot see any reason to state, or even infer, that in some way there now would be some contamination because there is a merger of the Washington administrative units. That is a very unfair conclusion and a wrong statement to make with respect to the operations of either the USIA or its successor agency, the International Communication Agency.

Furthermore, USIA has been operating binational educational centers, which are quite separate and apart from Fulbright-Hays.Those centers are strictly educational. They have teachers, they have foreign students, and by and large those binational centers which are operated by the host country with U.S. cooperation—those binational centers with a binational board are some of the finest institutions to foster understanding and education for peoples of both countries involved. It is just unfair to suggest that, for some reason, because we are going to take the Washington level administration of the Bureau of Cultural Affairs in State and merge it into a new agency that in some way it is going to affect the operation in the field where that program has been operated in the field all of this time. That is just not a good conclusion, in my judgment.

The Subcommittee on International Relations has been all over the world in examining the operation of both the binational centers and the Fulbright-Hays scholarship program. I have found not the first scintilla of evidence from any country where the program is operating that in any way indicates that the program is being submerged; that in some way the program will be adversely affected or in some way their academic community is going to be tainted. That evidence simply does not exist.

So, I submit that while we should have reasonable concerns, what we need to do is what the gentleman from Arkansas has said, which is to maintain a continuing good program; see that it gets reasonably expanded; continue our oversight on it; make sure that it is administered at least as well as it has been administered in the past. I see that as no reason to vote against this reorganization plan when, admittedly, what it is going to do is increase efficiency. It may not save a lot of money because it will take some time by way of attrition to eliminate the duplications, but it is a good plan. I urge my colleagues to vote "no" on the resolution of disapproval which is pending and allow the plan to go into effect.

Mr. BROWN of California. Mr. Chairman, I rise in support of the President's proposed reorganization of the Federal Government's international communication, educational, cultural, and broadcasting activities. After 26 years of discussion, and nearly 50 reports and panels on this reorganization, we are at the point of decision on a plan which em-

bodies many of the recommendations made in the past.

But I see this reorganization as a starting point for change in our international cultural exchange and communication activities, and not as the culmination of past efforts. This organization will still be functioning under a statement of purpose issued by President Kennedy at the height of the cold war. This organization will still be prohibited from releasing its material within the United States, in a society that clamors for "government in the sunshine." Most importantly, this organization is being formed at the beginning of a new era in communications, at one of those crucial points of change in history where cooperation is replacing conflict, and yet it is still dominated by the politics of confrontation of the past. We still have much work to do.

Our society is entering an era of technological opportunity in communication that until a few years ago was only an image in the mind's eye of futurists, such as Arthur Clarke, and Buckminster Fuller. That era is now confronting us in the present and, as is usually the case with technological advances, confronting us before society has a chance to respond. As developed societies begin to leave the Mechanical Age and enter the Communications Age, less developed countries have only just begun to enter the age of industrialization and mechanization. As Professor Stonier of the University of Bradford in England states it, the developed countries are extending the human nervous system while the less developed countries are just learning to extend the human musculature. The technological gaps are still there and unless we respond in a more reasoned manner than we have in the past, the old conflicts will still be there also.

The Third World has begun to form its own news agency, claiming that the developed world has failed to respond to the Third World's information needs. Many countries are justifiably suspicious of our satellite communications capability and have shown their suspicion in lopsided votes in international conferences studying this issue. Some countries have threatened to close their doors to our news agencies, citing the bias of developed countries' reporting a need to control their own information dissemination. Our past communication and cultural policies have brought us to this present state. If we continue into the Communication Age with these same policies the situation will only get worse.

We must recognize the needs of the majority of the world's population and see their mutuality with our foreign policy goals and the potential of our massive information and communication industry. There are many tough questions to be asked. How does a country protect its culture and what are the basic human rights to impart and receive information and ideas? Does one country have the right to decide what will and will not be broadcast into another country without their approval? How do we best use our communication, cultural exchange programs, and information technology to assist other countries' development needs? What is in our best interest in the mutual exchange of information and culture?

The President has called for a new order in international communications, free from propaganda, free from covert activity, open and forthright, with integrity. He sees this new Agency laying a heavy emphasis on listening to others, a chance to demonstrate for this Nation a decent respect for the opinions of mankind. I applaud his vision and courage. We must now be equally bold to make the changes in law which will permit that vision to flower in the most humane and enabling manner we can as befits a great nation.

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

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

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 827

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 transmitted to the Congress by the President on October 12, 1977.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House, with the recommendation that the resolution be not agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROSTENKOWSKI) having assumed the chair, Mr. KILDEE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 827) to disapprove Reorganization Plan Numbered 2 of 1977, had directed him to report the resolution back to the House with the recommendation that the resolution be not agreed to.

The Clerk reported the resolution.

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

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

Mr. THORNTON. 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 34, nays 357, not voting 43, as follows:

[Roll No. 749]

YEAS—34

Archer	Jeffords	Pickle
Bellenson	Kindness	Railsback
Brown, Mich.	Latta	Simon
Caputo	Lent	Skelton
Devine	McClory	Stangeland
Emery	McCormack	Steed
Fenwick	Myers, Gary	Steiger
Goodling	Oakar	Thornton
Hall	Obey	Tucker
Hammer-schmidt	Ottinger	Waggonner
Holtzman	Pattison	Wydler
	Pease	

NAYS—357

Addabbo	Ammerman	Andrews, N.C.
Akaka	Anderson, Calif.	Andrews, N. Dak.
Allen	Anderson, Ill.	Annunzio
Ambro	Applegate	Ashbrook
Ashley	Aspin	AuCoin
Badham	Bafalis	Baldus
Barnard	Baucus	Bauman
Beard, R.I.	Bedell	Benjamin
Bennett	Bevill	Bingham
Blanchard	Blouin	Boggs
Boland	Bonior	Bonker
Bowen	Brademas	Breaux
Breckinridge	Brinkley	Brodhead
Brooks	Brown, Calif.	Brown, Ohio
Broyhill	Buchanan	Burgener
Burke, Calif.	Burke, Fla.	Burke, Mass.
Burleson, Tex.	Burlison, Mo.	Burton, Phillip
Butler	Byron	Carney
Carr	Carter	Cavanaugh
Cederberg	Chappell	Clausen, Don H.
Clawson, Del	Clay	Cohen
Coleman	Collins, Ill.	Collins, Tex.
Conable	Conte	Corcoran
Corman	Cornell	Cornwell
Cotter	Coughlin	Crane
D'Amours	Daniel, Dan	Daniel, R. W.
Danielson	Davis	de la Garza
Delaney	Dellums	Derrick
Derwinski	Dickinson	Dicks
Diggs	Dingell	Dodd
Dornan	Downey	Drinan
Duncan, Oreg.	Duncan, Tenn.	Early
Eckhardt	Edgar	Edwards, Ala.
Edwards, Calif.	Edwards, Okla.	Eilberg
English	Erlenborn	Ertel
Evans, Colo.	Evans, Del.	Evans, Ga.
Evans, Ind.	Fary	Fascell
Findley	Fish	Fisher
Flippo	Flood	Florio
Flowers	Flynt	Foley
Ford, Mich.	Ford, Tenn.	Forsythe
Fountain	Fowler	Fraser
Frenzel	Frey	Fuqua
Gammage	Gaydos	Gephardt
Gibbons	Ginn	Glickman
Gonzalez	Gore	Gradison
Grassley	Gudger	Guyer
Hagedorn	Hamilton	Hanley
Hannaford	Hansen	Harkin
Harrington	Harris	Harsha
Hawkins	Heckler	Hefner
Heftel	Hightower	Hillis
Holland	Hollenbeck	Holt
Horton	Howard	Hubbard
Huckaby	Hughes	Hyde
Ichord	Ireland	Jacobs
Jenrette	Johnson, Calif.	Johnson, Colo.
Jones, N.C.	Jones, Okla.	Jordan
Kastenmeier	Kazen	Kemp
Ketchum	Keys	Kildee
Kostmayer	Krebs	LaFalce
Lagomarsino	Leach	Lederer
Leggett	Lehman	Levitas
Livingston	Lloyd, Calif.	Lloyd, Tenn.
Long, La.	Long, Md.	Lott
Lujan	Luken	Lundine
McDade	McEwen	McFall
McHugh	McKinney	Madigan
Maguire	Mahon	Mann
Markey	Marks	Marlenee
Marriott	Martin	Mathis
Mattox	Mazzoli	Meeds
Metcalfe	Meyner	Michel
Mikulski	Mikva	Milford
Miller, Calif.	Miller, Ohio	Mineta
Minish	Mitchell, Md.	Mitchell, N.Y.
Moakley	Moffett	Mollohan
Montgomery	Moore	Moorhead, Calif.
Moorhead, Pa.	Mottl	Murphy, Ill.
Murphy, N.Y.	Murphy, Pa.	Murtha
Myers, John	Myers, Michael	Natcher
Neal	Nedzi	Nichols
Nix	Nolan	Nowak
O'Brien	Oberstar	Panetta
Patten	Patterson	Pepper
Perkins	Pettis	Pike
Poage	Pressler	Preyer
Price	Pritchard	Pursell
Quie	Quillen	Rahall
Rangel	Regula	Reuss
Rhodes	Richmond	Rinaldo
Risenhoover	Robinson	Rodino
Roe	Rogers	Roncalio
Rooney	Rosenthal	Rostenkowski
Roybal	Rudd	Runnels
Russo	Ryan	Santini
Sarasin	Satterfield	Sawyer
Scheuer	Schroeder	Schulze
Sebelius	Seiberling	Sharp
Shipley	Shuster	Sikes
Sisk	Skubitz	Slack
Smith, Iowa	Snyder	Solarz
Spellman	Spence	Staggers
Stanton	Stark	Steers
Stockman	Stokes	Studds
Stump	Symms	Taylor
Thompson	Thone	

Traxler	Wampler	Wirth
Treen	Watkins	Wolff
Trible	Waxman	Wright
Tsongas	Weaver	Wylie
Udall	Weiss	Yates
Ullman	Whitehurst	Yatron
Vander Jagt	Whitley	Young, Fla.
Vanik	Whitten	Young, Mo.
Vento	Wiggins	Young, Tex.
Volkmer	Wilson, Bob	Zablocki
Walgren	Wilson, C. H.	Zeferetti
Walker	Wilson, Tex.	
Walsh	Winn	

NOT VOTING—43

Abdnor	Fithian	Quayle
Alexander	Giaimo	Roberts
Armstrong	Gilman	Rose
Badillo	Goldwater	Rousselot
Beard, Tenn.	Jenkins	Ruppe
Biaggi	Jones, Tenn.	Smith, Nebr.
Bolling	Kasten	St Germain
Broomfield	Kelly	Stratton
Burton, John	Koch	Teague
Chisholm	Krueger	Van Deerlin
Cleveland	Le Fante	Whalen
Cochran	McCloskey	White
Conyers	McDonald	Young, Alaska
Cunningham	McKay	
Dent	Moss	

The Clerk announced the following pairs:

On this vote:

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

Until further notice:

Ms. Chisholm with Mrs. Smith of Nebraska.
Mr. Dent with Mr. Abdnor.
Mr. Biaggi with Mr. Goldwater.
Mr. Giaimo with Mr. Rousselot.
Mr. Teague with Mr. Ruppe.
Mr. White with Mr. Whalen.
Mr. Koch with Mr. Armstrong.
Mr. John Burton with Mr. Gilman.
Mr. Alexander with Mr. Beard of Tennessee.
Mr. Conyers with Mr. Broomfield.
Mr. Moss with Mr. Cleveland.
Mr. Jenkins with Mr. Kasten.
Mr. Rose with Mr. McCloskey.
Mr. Roberts with Mr. Cochran of Mississippi.
Mr. Le Fante with Mr. Kelly.
Mr. McKay with Mr. Cunningham.
Mr. St Germain with Mr. Young of Alaska.
Mr. Stratton with Mr. Quayle.
Mr. Van Deerlin with Mr. Fithian.
Mr. Badillo with Mr. Krueger.

Messrs. DICKS, ANDREWS of North Carolina, MARLENEE, NOLAN, RISENHOOVER, CHARLES WILSON of Texas, and HAGEDORN changed their vote from "yea" to "nay."

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

So the resolution was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the resolution just under consideration.

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

There was no objection.

NATIONAL HEALTH PLANNING GUIDELINES

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

Mr. ROGERS. Mr. Speaker, I know that many of my colleagues have been receiving expressions of concern from their constituents regarding the recently issued national health planning guidelines. I, myself, have received hundreds of letters from citizens who are concerned that the guidelines do not recognize the unique characteristics of the areas in which they live and mistakenly believe that hospitals will be forced to close as a result. These concerns are unnecessary and result from a misunderstanding about the nature and the impact of the guidelines.

The primary misunderstanding is that the guidelines will be used to force hospitals, particularly in rural areas, to close. There is nothing in the health planning act that requires or authorizes the Health Systems Agency, the State Health Planning and Development Agency, or HEW to close hospital services or facilities. The application of the guidelines may identify unneeded facilities in an area, but changes in existing services must be brought about voluntarily as the law is currently written. This fact seems to be widely misunderstood.

When the National Health Planning and Resource Development Act was being considered in Congress, there was much discussion about the need to develop a statement of national policy to guide the health planning agencies to be developed under the act as well as providers of health services. This resulted in a provision in Public Law 93–641 that required the Secretary of HEW within 18 months to publish national health planning guidelines.

The guidelines are to be a statement of national health policy and to consist of planning goals and resource standards. As such, the guidelines should set forth the direction in which the Nation should head in order to provide equal access to quality health care at a reasonable cost to its citizens.

The guidelines should thus provide a framework for health planning at the areawide and State levels. They should not be seen as mandatory set of standards that must be met by each community. Health plans should set forth goals that take into account and are consistent with the direction set forth in this national health policy. Deviation from such policy is acceptable to the extent that it is responsive to the unique needs and resources of an area. I continue to think that such guidelines are an important part of the planning program. They provide a point of reference for local planners. At the same time they relieve each local health planning agency from undertaking all of the expensive, time consuming, and duplicative research necessary to develop such standards.

While the previous administration had failed to implement this section of the law, the Carter administration on September 23, 1977 published draft guidelines for inpatient services. Other guidelines for ambulatory, long term, and other services will be published next year. The Subcommittee on Health and the Environment held oversight hearings on these guidelines on October 19. While I was very pleased to see that guidelines were finally published for public comment, I as well as other members of the subcommittee criticized the fact that the guidelines only deal with inpatient services; the fact that there was not adequate consultation with the groups such as Health Systems agencies, specialty societies, and the National Council on Health Planning and Development as required by law; and, the fact that the guidelines and the exception process outlined lacked the flexibility envisioned when the law was enacted.

Following the hearings, I met with the Undersecretary and other HEW officials to further explore these concerns. As a result of that meeting we were able to agree on the following:

First, the Department will make greater efforts to get input in process of developing the guidelines from the National Council and others.

Second, the exception process will be made more flexible in the final regulations. It seems reasonable to me, for example, that an HSA which can make the case that it has special characteristics that justify a goal or standard that differs from that specified in the guidelines should be able to establish a different goal or standard. The burden for making this justification should fall on the local planning agency, but if the justification is adequate it should be accepted by HEW.

In order to further describe and clarify the purpose and impact of the guidelines, I have asked the Secretary of the Department of Health, Education, and Welfare to write each Member of Congress. I hope that this will be helpful to my colleagues as they discuss or explain this portion of the law to their constituents.

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

Mr. ROGERS. I yield to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, has the gentleman's subcommittee had an opportunity to review the problem on the allegations with respect to refusal of payment to those physicians or groups of physicians who have installed duplicative equipment, let us say for example a brain scanner, when the installation and acquisition of that equipment was not approved by the Regional Health Planning Agency?

Mr. ROGERS. When it is in an institution and not in a doctor's office?

Mr. FASCELL. I am talking about a related problem of refusal to pay on the Federal programs those physicians who have acquired duplicative equipment when it was not approved by the Regional Health Planning Agency.

That seems to be a growing problem. I wonder if the gentleman's subcommittee has addressed this problem yet in its hearings.

Mr. ROGERS. We have gone into the problem, but there is no current authority for the health planning agencies or the States to undertake such review, unless the State certificate of need law itself covers major medical equipment purchases in physician's offices so that there is no present mechanism for denying payment.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield further, in other words, there is no basis now to deny payment

to a physician or a group of physicians who might by some chance have duplicative equipment.

Mr. ROGERS. That is right, unless authority is set forth in State law.

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

Mr. ROGERS. I would be glad to yield.

Mr. BEDELL. Mr. Speaker, I take it from the gentleman's remarks that the gentleman agrees with the urgent need that is served by the hospitals in our small communities, that the gentleman would agree we do not offer any guidelines which would result in the closing of the hospitals which are so important, where one hospital serves a given community need; is that correct?

Mr. ROGERS. What we are trying to say here is that the guidelines are to be met where possible. There is nothing compulsory about it. This is the goal. In other words, it should be a goal to do away with beds that are not used, where it is expensive to keep that bed when it is not being used; but what we are saying is that the local planning group made up of local citizens are to look at their needs and see what those needs are and in doing so try to meet the guidelines; but if it does not meet the needs of that community, then that guideline should be modified.

Mr. BEDELL. By local, does the gentleman mean local community leadership?

Mr. ROGERS. I am talking about the health systems agencies in the health service areas, which may be made up of a number of counties.

Mr. BEDELL. Mr. Speaker, if the gentleman will yield further, I have a resolution which I have introduced which would help to say it is essential to Congress that we wish to preserve the services in the community where one hospital serves the needs of the individual community.

Mr. ROGERS. I think everyone would agree with that. However, if they are heavily overbedded, I would hope they take action to get rid of the excess beds or excess equipment.

Mr. BEDELL. I assume from the gentleman's remarks that the gentleman would be willing to go over this resolution with this Member and if it does what I have said, the gentleman would support it.

Mr. ROGERS. Certainly.

The SPEAKER. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for an additional 2 minutes.)

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

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

Mr. GRADISON. Mr. Speaker, I am happy that the gentleman has given us reassurance with regard to the effect of the guidelines in not forcing the closing of existing institutions.

I am concerned in my own metropolitan area that these guidelines may be interpreted as making it difficult, if not impossible, to replace existing outmoded inefficient facilities with an equivalent number of beds, or even less beds than there are today, and taking into account that we are currently within our health planning area in excess of the 4.0 beds. I wonder if the gentleman could enlighten us on the intention of the planning act in this regard.

Mr. ROGERS. I think we do not want excess beds constructed; however, where the replacement of beds is involved, I would think the HSA in its planning would have to consider the need for the replacement. The approval is left to the local agencies and the State in issuing a certificate of need, whatever their judgment is would prevail.

Mr. GRADISON. Mr. Speaker, if the gentleman will yield further, does the gentleman see these guidelines as additional to the administration's initiative with respect to hospital cost containment, or a possible substitute for them?

Mr. ROGERS. This is for planning purposes, basically to prevent and help reduce excess facilities and services and to make sure we have adequate facilities where they are needed. That is separate and apart from the cost containment approach; however, it should have a positive effect on proper planning and also to help hold down costs.

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

Mr. ROGERS. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Speaker, I would like to continue the colloquy of the gentleman from Florida whether a certificate of need is required to purchase equipment under existing law.

Mr. ROGERS. There is no such requirement.

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

Mr. ROGERS. I yield to the gentleman from Virginia.

Mr. SATTERFIELD. Is the gentleman saying that these guidelines will not be mandatory on the health system's agencies?

Mr. ROGERS. I am saying that the guidelines are simply guidelines. It is a goal to reach. Hopefully, they can be reached, and hopefully they will be adhered to. But, if there is an unusual circumstance in the community so that the guideline is not appropriate for that community, then the local HSA should be able to make that judgment.

Mr. SATTERFIELD. Is it not a fact that as a part of these guidelines the Secretary is saying that every health system's agency must conform in plan within 1 year, and conform to the guidelines within 4 years thereafter?

Mr. ROGERS. I think the gentleman will find that the guidelines have not yet been finalized.

Mr. SATTERFIELD. We are talking about proposed guidelines. Of course, we do not have final ones.

Mr. ROGERS. I am referring to the proposed guidelines, and I think the gentleman will receive a letter—all Members will receive a letter from the Secretary either today or tomorrow, which should assure Members that these are just guidelines. They are goals to be met.

Mr. SATTERFIELD. Will the gentleman yield further?

Mr. ROGERS. Certainly.

Mr. SATTERFIELD. Does the gentleman know whether the Secretary also is going to inform the Members of Congress why he failed to conform to section 1501 in proposing these guidelines?

Mr. ROGERS. We have asked him to do that to the committee, not in a letter to Members.

Mr. SATTERFIELD. I think the Members ought to know that he did not conform.

Mr. ROGERS. We will be glad to make that available to the gentleman from the committee.

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

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

Mr. KAZEN. I am happy that the gentleman has made this thing clear, because, as he knows, and as he has just stated, we are getting letters from all over this country. I cannot imagine any agency of this Government trying to hold hearings on guidelines that propose to close or curtail services being performed by certain rural hospitals in this country. Actually, it not only affects rural hospitals, but also a lot of metropolitan hospitals because of some silly guideline that they be within 45 minutes' reach of another facility.

Mr. ROGERS. Yet, I think the gentleman would agree that good planning is needed to cut down health costs.

Mr. KAZEN. Will the gentleman reassure us that the guidelines that will be promulgated will be strictly voluntary on the part of health service agencies?

Mr. ROGERS. What we are saying is that we hope that these guidelines can be accepted, but where there are unusual circumstances in the community, the HSA has the right to vary from them.

Mr. KAZEN. What is an unusual circumstance?

Mr. ROGERS. I hope we can leave that to the HSA's, but we are trying to make it as clear as possible. We will follow this closely, and we will be glad to be in touch with the gentleman.

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

Mr. ROGERS. I yield to my colleague from Kentucky.

Mr. CARTER. I thank the distinguished gentleman for yielding to me. It is my firm hope that the guidelines do not depart from the law which we write in the health system's agency, which would control an excessive number of beds. Certainly, it is true that the Secretary has no right to write guidelines which would have the force of law. Law is written here in this House, and I would hope that he would not attempt to subvert the legislation we have written.

Mr. ROGERS. I share that concern, and I think it is being made clear to the Secretary that the guidelines are as we intended.

Mr. CARTER. I thank the gentleman.

Mr. YOUNG of Texas. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Texas. I am sure the gentleman understands as well as anybody that the curtailment of services, particularly those in rural hospitals, is going to weigh heavily on our ability to get doctors to go to these rural areas and

to stay there. In connection with the letter which the gentleman says will be reaching us from the Secretary, I would hope that the gentleman in the well would use his influence with the Secretary to have him extend the time for comments on these guidelines beyond December 9, so that it will give Members of the House an opportunity to contact our constituents, who are so grievously concerned about this matter and want an opportunity to be heard on it after we get the explanation from the Secretary.

Mr. ROGERS. Yes. As a matter of fact, he has extended it to December 9. He has already given one extension here. I think that if it is necessary, additional time could be requested.

Mr. YOUNG of Texas. My information is that on the 18th he extended the time to December 9, but they hired a private firm to tabulate the comments. So if my information is correct, the comments are cut off right now.

Mr. ROGERS. We will check into that. I am sure we will have comments until December 9, and we will ask that they be considered, because I think we have had a great outpouring of concern. They have already had a lot of comments. Hospitals have been heard from in many communities. I think we have already received a range of feelings from people. For that reason, I was concerned, because I think many were misinterpreting what we intended the guidelines to be. I think this is now being straightened out, and I believe that as soon as the gentleman reads the Secreatry's letter, which should be coming to the gentleman, the gentleman, too, will feel that the law will be adhered to.

Mr. YOUNG of Texas. I have not seen the Secretary's letter. I look forward to receiving it. But I hope the hospitals and the doctors will be satisfied with that.

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

Mr. ROGERS. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Speaker, I would like to first of all emphasize that this problem is not one which only pertains to rural areas. It also affects in a very significant way suburban and metropolitan health services, as well.

Second, I think the gentleman from Kentucky, Mr. CARTER, is absolutely correct in pointing out that the so-called guidelines go quite directly against the law that the Congress passed.

The third point I would like to make is that I find this entire discussion bizarre. I find it bizarre because here, the elected Congress of the United States, is crawling on bended knee, asking some unelected bureaucrat, who has never had the inconvenience of running for public office, to do what Congress said they should do in the first place.

Mr. ROGERS. I do not share the gentleman's feeling on that. I think it is a proper function. This is the way we expect them to function. We are now having an input. I realize the gentleman wants us to veto or not veto every action that the department may take. But I think we can always do that by a change in law. The gentleman can introduce a bill to veto an action at any time.

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

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

Mr. AMMERMAN. I thank the gentleman for yielding.

Mr. Speaker, I would hope that the Chairman would be aware of the fact that in many of the small counties which are appended to larger cities in these service areas there really is no effective voice. When the gentleman says that the local community is going to have this decision to make, that is often not the case. This gives rise to very great concern to me, because I have very many small communities in my district.

Mr. ROGERS. May I say to the gentleman that the groups are selected locally, they are local people, and before they do take action they must hold hearings and have an adequate input from the local areas which are affected by any decision.

Mr. AMMERMAN. If the gentleman will yield further, it has been my experience that the people who are on some of these groups, who have axes to grind, are from some of the hospitals. They all are not represented, and there is a very real problem.

Mr. ROGERS. Mr. Speaker, we will be glad to look at that when we reconsider the health planning law. However, it is true that the law in regard to HSA's provides that a portion of them would be providers, but a majority would be consumers, so we should have adequate input.

Mr. AMMERMAN. Mr. Speaker, I thank the gentleman.

RECESS

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the House stand in recess subject to the call of the Chair.

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

Mr. MICHEL. Mr. Speaker, reserving the right to object, I take this time for the purpose of inquiring of the distinguished majority leader what the scenario would be following this proposed recess today. Also I would ask what program there would conceivably be for tomorrow and the balance of the week.

Many Members have inquired as to whether we will meet on Wednesday and the balance of the week, and have asked if there is any legislative business scheduled for next week. Would the distinguished majority leader enlighten us?

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

Mr. MICHEL. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, the purpose of the unanimous-consent request that we stand in recess subject to the call of the Chair is to permit the other body to complete action which is now in progress on the Labor-HEW appropriation bill. It is anticipated that then we might well conclude action on that bill, including some language which may find more general acceptance than any heretofore on the subject of limitations on abortions.

It is expected that the other body will conclude that action by perhaps 20 minutes before 5, or at the latest, perhaps 5 o'clock.

If the time permits, then we would expect to come back here and finish that business once and for all this evening. If that is done, then we believe we can finish our work for the week tomorrow.

Tomorrow we would come in at 10 o'clock, if we gain permission to do so. First, we would take up the question of appointing conferees on the social security bill; secondly, we would take up the supplemental appropriation bill, the matter involving the greatest controversy there being the proposed rescission of the B–1 bomber.

Then we would follow with whatever remains on the schedule. We would hope to conclude at a reasonably early hour tomorrow and then we would be finished for the week.

The SPEAKER. May the Chair say to the gentleman that the House also will consider a continuing resolution with regard to the District of Columbia.

Mr. WRIGHT. That is correct. I thank the Speaker for pointing that out.

Mr. MICHEL. Mr. Speaker, further reserving the right to object, that resolution involving only appropriations for the District of Columbia would be considered, assuming the HEW matter would be resolved later today?

The SPEAKER. The gentleman is correct.

Mr. MICHEL. Might I inquire further, Mr. Speaker, beyond tomorrow, if we are in a 3-day recess situation will we have a perfunctory session then on Friday and adjourn over to Tuesday next? Is that the plan?

The SPEAKER. The Chair would hope the pro forma sessions would be on Thursday and Mondays.

Mr. MICHEL. So, Mr. Speaker, we would meet then tomorrow and again on Thursday?

The SPEAKER. When the House completes the business this Thursday or Friday it would then meet next on Monday and then on the following Thursday.

Mr. MICHEL. And might I inquire further, that would continue, then, until what time in December?

The SPEAKER. That would continue until such time as the energy conference reports have been adopted by the Senate and are ready for the consideration of the House.

Mr. MICHEL. Mr. Speaker, further reserving the right to object, there has been a rumor to the effect that the target date is the 19th of December, which is just a few days before Christmas.

Will the Members get a little advance notice as to when we would reconvene to consider this so-called "energy package"? Might I also inquire of the majority leader, what would be his judgment as to when we would know for sure whether we are or are not going to

come back here on the 19th of December?

Mr. WRIGHT. Mr. Speaker, the Members would, of course, receive ample notice.

The SPEAKER. The Chair will respond to that question.

In the event that the conferees have come to a conclusion, it would take 3 to 5 days to write the reports, and then the reports would go to the Senate. Following adoption by the Senate, it would come to the House, and so all Members would have ample time to peruse the reports.

Mr. MICHEL. Mr. Speaker, what will happen if we do not reach any agreement? Do I assume then that we would allow the energy legislation to go over until next year,

Mr. WRIGHT. Mr. Speaker, we do not want to anticipate that contingency. We would like to anticipate success.

Mr. MICHEL. Mr. Speaker, might I also inquire, is it possible that we would consider the energy legislation right after Christmas eve?

Mr. WRIGHT. Mr. Speaker, all things are possible, but that is unlikely. I should think that the conferees will be proceeding vigorously.

I think that the newspapers may contain some information with respect to the actions of the conferees on the energy matter, and we know, as the Speaker has pointed out, that it would take about 3 days for the staff to make certain that it has everything in perfect order.

Then the other body would vote first, and then we would have ample notification. I should not think it would take the House any great length of time, after the other body had acted, to vote the bill up or down—and I should think it would be up.

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

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

Mr. BAUMAN. Reserving the right to object, Mr. Speaker, the request for a recess to permit us to discuss, possibly later this evening, the HEW appropriation seems to me precipitous.

The language the other body will act upon is not known to us at this hour. It may or may not be known at 5 o'clock.

The proposed language which I understand has been offered in the other body is without a doubt the broadest and most liberal proabortion language that this Member has seen throughout 2 years of deliberation on the issue.

Mr. Speaker, it seems to me that it might be well for the House to have a chance overnight to see this language so as to enable those who have voted upon this issue a number of times to formulate their judgment in a more judicious manner than 1 hour's time may permit.

I am just wondering whether or not copies will be available for all of the Members so that they can make their own judgments.

I know that there is a strong desire on the part of the leadership to get this issue behind us once and for all, as the gentleman from Texas (Mr. WRIGHT), who has not supported the Hyde amendment, has said repeatedly. I can assure the gentleman that the desire is not going to go away, but perhaps he might extend to those who have voted in this House on numerous versions of this issue the courtesy of permitting us time to consider this matter overnight.

What is the rush? Why not bring up the other legislation scheduled now and take the abortion issue up tomorrow at 10 o'clock so that at least we can consider it?

The SPEAKER. The Chair will inform the gentleman that there is a problem requiring that this matter come back this evening since the other body will not be in session tomorrow.

If we take this up tonight, we will know by tomorrow whether we will have to deal with Labor-HEW on the continuing resolution for the District of Columbia. If the issue is voted down this evening, the House will have to come in with a continuing resolution. We would have to have a session so as to bring the continuing resolution for Labor-HEW up tomorrow in order that the Senate may act upon it. Otherwise there would be the possibility of sessions next week if we do not have a continuing resolution.

Therefore, to expedite the matter, we can find out exactly how the Members feel on this issue tonight and expedite the program for the remainder of the week and probably the remainder of the session.

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, I think that is a reasonable explanation of the parliamentary predicament in which we find ourselves.

Is my understanding correct that we will be back here at 5 o'clock or is it the expectation that we will be held here, if the other body continues to debate, until 7 or 8 or 9 or 10 or 11 o'clock?

Mr. MICHEL. If the gentleman will yield, Mr. Speaker, it is my understanding that in the other body currently they are voting on a substitute, for all practical purposes, for the original Hyde language. Assuming that that would be turned down, if they vote in the same pattern that they have in the last several weeks, there would then be an amendment offered by the Senator from North Carolina (Mr. HELMS) with the wording which I would prefer. If that is not adopted, the Brooke language would then be considered. The gentleman does have a copy of that, I believe, in his hand. This Member will certainly make sure that if that is the language we are eventually going to be voting on, there will be copies of it available at the desk.

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, is the answer to my question that we will be held here indefinitely this evening or is there some possibility of going over?

Mr. WRIGHT. If the gentleman will yield, Mr. Speaker, we will not hold the gentleman hostage.

It would be our intent that we would come back at a reasonable hour; and I believe the other body intends—and we will fulfill that intention—to pass upon this matter promptly and expeditiously.

We would not expect to remain here indefinitely and, as the gentleman says, not give the Members time to read that language.

As the gentleman says, he has wanted time to study it fully; and it can do no harm, out of courtesy to the gentleman and others who want to study that language, to give them that opportunity.

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, it is not the gentleman from Maryland who needs time to read it. I think it is the membership generally who have voted eight or nine times in favor of the right-to-life position who need the time. I think that if they change their vote now, they ought to know the magnitude and scope of the pro-abortion sellout involved in the language which the other body suggested.

In view of the Speaker's comments and out of courtesy to him, I withdraw my reservation of objection.

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

Mr. MICHEL. Further reserving the right to object, Mr. Speaker, may I ask one further question: Whether we do or do not meet before Christmas, is it my understanding that our return date for the 2d session of the 95th Congress would be January 19?

Mr. WRIGHT. The gentleman's understanding is the same as that of the majority leader.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER. The House will stand in recess.

The Chair will state that the bells will be rung 15 minutes before the House will resume its session.

Accordingly (at 4 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 35 minutes p.m.

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 397. Concurrent resolution correcting the enrollment of S. 1131;

H. Con. Res. 418. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 8422; and

H. Con. Res. 419. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of the bill (H.R. 7345).

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendments of the Senate to the bill (H.R. 8422) entitled "An act to amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1131) entitled "An act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1316) entitled "An act to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out State cooperative programs under the Endangered Species Act of 1973."

The message also announced that the Senate agreed to the House amendment to the Senate amendment numbered 82 with an amendment to the bill of the House (H.R. 7555) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1978, and for other purposes."

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

S. 2328. An act to amend Private Law 95-21 to make a technical correction therein.

LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1978

Mr. FLOOD. Mr. Speaker, I move to take from the Speaker's desk the bill (H.R. 7555) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1978, and for other purposes, with the amendment of the Senate to the amendment of the House to the amendment of the Senate No. 82, and disagree thereto.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment No. 82, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate numbered 82, insert the following:

SEC. 209. None of the funds contained in this Act shall be used to perform abortions:

Except where the life of the mother would be endangered if the fetus were carried to term;

or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported to a law enforcement agency or public health service or its equivalent;

or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

PREFERENTIAL MOTION OFFERED BY MR. MAHON

Mr. MAHON. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. MAHON moves that the House concur in the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 82.

Mr. BAUMAN. Mr. Speaker, I reserve the right to ask for a division of the question at the appropriate time.

The SPEAKER. The motion is not subject to division.

Mr. BAUMAN. Is not the motion to recede and concur?

The SPEAKER. The motion is to concur.

Mr. BAUMAN. I am sorry. I did not so understand.

The SPEAKER. The gentleman from Pennsylvania is recognized for 1 hour.

Mr. FLOOD. Mr. Speaker, I yield myself 30 minutes and I yield 30 minutes to the gentleman from Illinois (Mr. MICHEL).

I now yield 5 minutes to the gentleman from Texas (Mr. MAHON), the chairman of the committee.

CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, I would like to move a call of the House in view of the importance of the question involved here.

The SPEAKER. The Chair so recognizes the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 750]

Abdnor	Davis	Martin
Addabbo	Dent	Moorhead, Pa.
Alexander	Derwinski	Moss
Ambro	Devine	Nichols
Andrews, N.C.	Diggs	Pritchard
Archer	Dingell	Quayle
Armstrong	Drinan	Roberts
Ashley	Duncan, Oreg.	Rogers
Badham	Fithian	Rose
Badillo	Fraser	Ruppe
Beard, Tenn.	Giaimo	Sarasin
Beilenson	Goldwater	Shuster
Biaggi	Harsha	Sikes
Bingham	Heckler	Smith, Nebr.
Bolling	Jenkins	St Germain
Broomfield	Johnson, Colo.	Staggers
Brown, Calif.	Jones, Tenn.	Symms
Burton, John	Kasten	Teague
Butler	Kelly	Udall
Byron	Kemp	Van Deerlin
Chisholm	Koch	Whalen
Clay	Krueger	White
Cleveland	Le Fante	Wiggins
Cochran	Long, Md.	Wilson, C. H.
Conyers	McCloskey	Wilson, Tex.
Cornwell	McDonald	
Cunningham	Madigan	

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

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

CONFERENCE REPORT ON S. 1316, ENDANGERED SPECIES ACT AUTHORIZATIONS

Mr. MURPHY of New York submitted the following conference report and statement on the Senate bill (S. 1316) to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out State cooperative programs under the Endangered Species Act of 1973:

CONFERENCE REPORT (H. REPT. No. 95-823)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1316) to authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out State cooperative programs under the Endangered Species Act of 1973, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535) is amended—

(1) by striking out the period at the end of subsection (c) and inserting in lieu thereof "; or", and by adding at the end of such subsection the following:

"that under the State program—

"(A) the requirements set forth in paragraphs (3), (4), and (5) of this subsection are complied with, and

"(B) plans are included under which immediate attention will be given to those resident species of fish and wildlife which are determined by the Secretary or the State agency to be endangered or threatened and which the Secretary and the State agency agree are most urgently in need of conservation programs; except that a cooperative agreement entered into with a State whose program is deemed adequate and active pursuant to subparagraph (A) and this subparagraph shall not affect the applicability of prohibitions set forth in or authorized pursuant to section 4(d) or section 9(a)(1) with respect to the taking of any resident endangered or threatened species."; and

(2) by amending subsection (i) to read as follows:

"(i) APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated not to exceed the following sums:

"(1) $10,000,000 through the period ending September 30, 1977.

"(2) $16,000,000 for the period beginning October 1, 1977, and ending September 30, 1981.".

And the House agrees to the same.

JOHN M. MURPHY,
ROBERT LEGGETT,
DANIEL K. AKAKA,
DAVID E. BONIOR,
BO GINN,
PHILIP RUPPE,
EDWIN B. FORSYTHE,
Managers on the Part of the House.

JOHN CULVER,
EDMUND S. MUSKIE,
MALCOLM WALLOP,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the

amendment of the House to the bill (S. 1316) authorizing appropriations for fiscal years 1978, 1979, and 1980 to carry out State cooperative programs under the Endangered Species Act of 1973, submit the following joint statement to the Senate and the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment struck out all after the enacting clause and inserted a substitute text. The differences between the Senate bill and the House amendment are noted below, and the substitute agreed to in conference is discussed. Minor, technical and clarifying changes are not discussed.

REAUTHORIZATION OF THE SECTION 6 PROGRAM

Senate bill

The Senate bill is a simple extension of the State grant-in-aid program authorized under section 6 of the Endangered Species Act of 1973. A total of $12 million through fiscal year 1980 is provided for this purpose. Of this amount, $9 million is earmarked for the Secretary of the Interior and $3 million to the Secretary of Commerce.

House amendment

Paragraph (1) of the House amendment provides a total of $16 million through fiscal year 1981 for the section 6 program. No specific amount is made available to either the Secretary of the Interior or the Secretary of Commerce.

Conference report

The conferees agreed to adopt the House provision.

According to administration estimates, a $16 million authorization over a 4-fiscal-year period will best meet the States' projected funding needs for their endangered species conservation programs under section 6. In addition, a combined authorization for the Departments of Interior and Commerce will permit more flexibility in the expenditure of these funds.

The House and Senate conferees are dismayed that the Secretary of Commerce has not yet negotiated any cooperative agreements with the States for protecting threatened and endangered marine species under section 6. The Department of Commerce should intensify its effort in this regard to promote increased cooperation with State programs for the conservation of threatened or endangered species. In addition, the conferees urge the Office of Management and Budget to assure that sufficient funding is provided in the budget for the Department to initiate and maintain such programs.

QUALIFICATION BY THE STATES FOR FINANCIAL ASSISTANCE

Senate bill

No provision.

House amendment

The House amendment contains language to facilitate qualification by the States for financial assistance under section 6 of the Endangered Species Act.

Before a State may enter into a cooperative agreement with, and receive financial assistance from, the Federal Government pursuant to section 6, it must have the authority to conserve all resident species of fish and wildlife which the Secretary determines to be threatened or endangered. A number of State fish and wildlife agencies do not possess such broad authority and are, therefore, not eligible for these benefits. In certain instances, a State conservation agency may have authority only to protect certain categories of species, such as vertebrates, rather than all species. Under the House amendment such a State could qualify for cooperative agreement funds if it satisfies all other requirements set forth in the act and has plans to devote immediate attention to those species most urgently in need of conservation programs.

Conference report

The conferees wish to assure that adoption of the House language does not have the effect of withdrawing protection for species listed by the Secretary. Therefore, the conference committee has agreed to a modification which guarantees that applicable prohibitions set forth in or authorized pursuant to section 4(d) and 9(a)(1) of the Endangered Species Act with respect to the taking of resident endangered or threatened species remain in effect when a State enters into a cooperative agreement under the alternative language of the House amendment.

JOHN M. MURPHY,
ROBERT LEGGETT,
DANIEL K. AKAKA,
DAVID E. BONIOR,
BO GINN,
PHILIP RUPPE,
EDWIN B. FORSYTHE,
Managers on the Part of the House.

JOHN CULVER,
EDMUND S. MUSKIE,
MALCOLM WALLOP,
Managers on the Part of the Senate.

LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION ACT, 1978

The SPEAKER pro tempore. The gentleman from Texas (Mr. MAHON) is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, will the gentleman yield for a question.

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

Mr. MICHEL. Mr. Speaker, does the chairman control the entire hour that he is allotted under the preferential motion?

Mr. FLOOD. Mr. Speaker, I had yielded 30 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I thank the chairman.

Mr. MAHON. Mr. Speaker, the House has demonstrated its intense interest in the subject matter which is before us for discussion at this hour.

For 5 months on the $61 billion Labor-HEW bill we have been struggling to come to a resolution of the issue relating to abortion between the House and the Senate. Vote after vote has been taken.

The other body has been somewhat inflexible. The House of Representatives has been very inflexible and adamant in the maintenance of its position in support of the Hyde amendment. I myself have supported the Hyde amendment through several of these months which have elapsed since the bill passed the House.

Mr. Speaker, as I was saying, the other body has been adamant in its attitude; the House of Representatives has been adamant in its attitude, but for the legislative process to work we have to get together. It seems to me that about 5 months is sufficient time for us to hold up final action on this $61 billion bill which is so vital to health, education, and many other areas of interest to the Nation.

Over the weeks some slight flexibility has demonstrated itself in the House, and some slight flexibility has demonstrated itself among the Senate conferees. On November 3, we had a conference report; and I myself, in an effort to bring this matter to a conclusion, offered a preferential motion, as I have today. By a vote of 172 to 193, my motion lost; and the matter has remained in status quo since that time.

We have been working with the other body and with members of the staff of the other body, and we have now a new proposal to submit.

Let me read that proposal:

None of the funds contained in this act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

Or except for such medical procedures necessary for the victims of rape or incest . . .

We add here for the first time the following language, and I will read this portion again:

or except for such medical procedures necessary for the victims of rape or incest . . .

And here is the new language:

when such rape or incest has been reported to a law enforcement agency or public health service or its equivalent.

That is an additional safeguard.

Then we present this further language: "Or except in those instances"—in other words, abortions cannot be provided under the medicaid program—"except in those instances where severe and long-lasting physical health"—not mental health—"long-lasting physical health damage to the mother would result if the pregnancy were carried to term."

This seems to me not to be too unreasonable a proposal for the solution of this controversial problem.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. MAHON) has expired.

Mr. FLOOD. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas.

Mr. MAHON. Mr. Speaker, each one of us knows that the President is opposed to abortions under most conditions and that the Secretary of HEW is also opposed.

Note the final language here is as follows:

The Secretary shall promptly issue regulations and establish procedures to insure that the provisions of this section are rigorously enforced.

So in that kind of an atmosphere at HEW and with that kind of language in the law, it would seem to be logical that regulations would be established and procedures promulgated which would carry out the spirit of this proposal.

Now it could be said that the language should include: "when such rape or incest has been promptly reported to a law enforcement agency," and so forth. But we were not able to secure that concession.

The Senate within the last 2 hours has voted three times on some of the issues involved here. The Senate first voted on the Hyde amendment, and the Senate has been stronger for its position than the House has been for its position, in regard to these issues. As I say, the Sen-

ate voted on the Hyde amendment this afternoon by a vote of 42 to 20 and rejected the Hyde amendment, an amendment which I have supported, but it was rejected again by that 2-to-1 vote.

Then the proposal was made in the other body that the reporting of rape had to be prompt. Well, it seems to me that the Secretary could promulgate regulations which would require a prompt reporting. But, at any rate, in the other body this afternoon the word "promptly" was presented as an amendment but it was voted down 42 to 23.

Then the substitute proposal, which is the proposal I have here, which was not just a product of the other body, but a product of the Members of the House who have been working on this issue, was offered.

The SPEAKER. The time of the gentleman has again expired.

Mr. MAHON. Mr. Speaker, I would ask the gentleman from Pennsylvania (Mr. FLOOD) if I could have 1 additional minute?

Mr. FLOOD. Mr. Speaker, I yield 1 additional minute to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. And then on this language here the other body voted 44 to 21, for the language which has been read to you here today.

I hope that we can settle this issue once and for all for this fiscal year. I urge the Members to join together in voting for this compromise. It does not suit me and does not suit anybody in the House perfectly, or in the Senate, but it is the best that we can work out. It seems to me that we should delay no longer taking final action on this highly important bill which involves every congressional district in America. I do sincerely trust that the Members will be able to vote for this legislation in an effort to resolve a problem which has been most difficult for all of us.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I agree with the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON) that this is a very, very difficult decision for all of us. This has been a very hard and difficult 5 months in trying to work out some compromise language. I can sympathize and I can understand the position of the chairman, but regretfully, I must rise and oppose the compromise language suggested by our colleagues on the other side of the Hill. I appreciate their attempt to narrow the differences between us. Nevertheless the degree of subjective determinations which are permitted by the Senate amendments are still too great for us to accept.

Furthermore, I believe that under this language it is still possible for abortion to be used as a convenient means of birth control, if the right doctor is found.

Specifically, my disagreement with the suggested language is with the physical health section and the section dealing with rape and incest.

With respect to the physical health language, even though the physical damage to the mother must now be both "severe" and "long-lasting" the meaning of these terms are not defined. Therefore, there remains significant latitude for doctors to apply liberal and permissive interpretations to the degree and duration of "damage" required. The term "damage" itself is not defined. In any case, earlier language presented by the Senate required that the health damage to the mother be permanent before abortion be allowed. The current language is a far departure from that approach.

The rape and incest section is also riddled with ambiguity. For example, medical procedures (including abortion) may be undertaken when an act of rape or incest has been reported to a law enforcement agency or public health service or its equivalent. Who are members of "equivalent" law enforcement agencies? May rape victims report to warehouse guards, Pinkerton detectives or the Keystone Cops? What are the equivalent public health agencies? Do they include the American Cancer Society or Planned Parenthood?

I have more serious reservations with any provision which allows abortions for victims of rape or incest. As I have stated previously it is my opinion that the language is unnecessary.

First, testimony from law enforcement officials indicates that inclusion of the rape-incest language would, in their opinion, induce individuals to file false rape reports in order to be eligible for Federal abortions funds. This would not only result in perjured reports, but also would raise havoc with the judicial system in investigating and processing these false reports.

Second, although it is true that the House amendment would not provide funds for abortions resulting from rape or incest, it would not prevent contemporaneous medical treatment which may prevent fertilization or implantation. That is, as long as treatment of rape or invest victims is prompt (that is, before the fact of pregnancy is still established) funds would be provided.

For these reasons, I believe that the compromise language offered by the Senate should be rejected.

Mr. FLOOD. Mr. Speaker, I yield 5 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I had not wanted to get into this debate. I do not think there are many Members who can be absolutely certain of the rightness of their own position on this particular matter. I am not so certain as to want to get into the middle of a debate like this.

It seems to me, however, that the time has come when the House is going to have to yield to commonsense. Each of us in the interest of the legislative process itself may have to yield just a bit. It is one of those times when we should heed the admonition of Benjamin Franklin that each of us doubt just a little his own infallibility.

I do not for one moment disparage the sincerity or the depth of conviction held by people on either side. It is not surprising that Members holding strong convictions have had a hard time arriving at language that they can mutually embrace. Since the very fundamental question of when life itself begins could not be agreed upon by St. Thomas Aquinas and St. Augustine, it is little wonder that Members of this body find difficulty in reconciling their disparate views with any set of words. Perhaps there are not enough words in Webster's Dictionary to put together the kind of language that would be acceptable to everyone here.

I do not believe in abortion. I do not suppose there are any—if there are, there are very few—Members of this House who would be in favor of Government-subsidized abortion on demand. This language does not provide for that, and that is not the issue.

By the same token, I just do not believe that there are very many, if any, Members of this House who would be so cruel and so crass and so unfeeling that they would condemn a poor woman to death or to lifelong physical disability for want of response on the part of the Federal Government when she is in genuine need of medical treatment.

I believe that the conferees have done as well as they could. I believe that this language presently before us comes as near as any language could come to recognizing the sincere and deeply held convictions on both sides of this question. I urge my colleagues to support this language.

Bear in mind that what is at stake here is not just the linguistic preference of a few Members. What is at stake here is not simply who wins and who loses in a nebulous argument with words. What also is at stake here is $61 billion worth of vital Federal programs, which are held hostage to our intractible quarreling over phrases. These include public health programs, help for the elderly, training programs for young people who do not have any marketable skills so that they can find jobs, the whole gamut of secondary and higher educational services, educational loans for needy students. All these programs are awaiting the resolution of this problem.

We have been almost like Kipling's description of old men who he said:

Peck out, dissect and extrude to the mind
The flacid tissues of long dead issues
Offensive to God and mankind,
Like vultures over an ox
That the army has left behind.

We could go on forever debating like the medieval theologians over how many angels can stand on a head of a pin. But the time has come for action. Clearly, this is as good as our draftsmen can come up with. Clearly, it says what most of us want to say. Those who oppose this language do not oppose the principle it expresses. They do not oppose the right of a woman to get help if she cannot afford it and if she was going to die or to suffer severe and long-lasting physical debility without that help. They do not really oppose the right of some young person, the victim of rape or of incest, to gain timely treatment, or of a woman to be relieved of an ectopic pregnancy. And these are the only situations in which this language would permit assistance. It really is quite restrictive.

No, the opponents do not really oppose the principles which the language expresses. They fall back on the assumption that some physician is going to act in bad faith and to certify falsely. Well, my colleagues, if we were to assume that with respect to every law that is passed, we could not pass many laws.

I believe this is the best we can do under the circumstances. It is not perfect. It does not satisfy me completely. Perhaps it does not satisfy any of us completely, but I do not think we can do much better if we debate different sets of words until doomsday, and so I urge all of us in the name of legislative responsibility to vote for this language and free these vital health and education programs from the incumbrance of our disagreements which for the better part of a year have held them in a state of legislative limbo.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I think it is interesting that the majority leader should refer to the Saints of the Church, Thomas Aquinas and Augustine. I doubt seriously if either of these gentlemen were elected to this House that they would be members of the majority leader's caucus. I also doubt if they would be a member of the minority caucus. Undoubtedly they would be independents, since they were saintly men. Now, none of us here have yet been certified as saintly men or women. That lies for the future to decide; but the issue is something more than flacid tissue, as the misplaced eloquence of the majority leader suggested. I say again, the issue is life itself.

I know the mood of the House and I know the temptation in all our deliberations when it is late in a session to slack the fight and abhor the battle. We might as well decide to get on with it once and for all we are told by our elders. It is all right for us to be kept here until Christmas Eve to decide the question of energy policy, an issue which will be with us for 40 to 50 years, but it is not seemly to prolong this issue. Act tonight, we are told, once and for all. A continuing resolution is not enough. The majority leader will keep us here until Christmas, the anniversary of the greatest birth of all, to solve energy but the right to life cannot be placed on that same plain, he says. He is once again wrong.

What is the basic objective of those who have fought for the right to life in these 2 years we have supported the amendment of the gentleman from Illinois (Mr. HYDE) and its variations. What is that objective? It is to save the lives of unborn human beings. We know that 300,000 babies each year on the average have been murdered with taxpayers funds. I know that phrase, "murder," disturbs the emotions of some, but these children have been killed by the use of federally-financed abortions and that must be faced.

We seek to stop that. The Supreme Court of the United States has surprisingly upheld our position as constitutional; they reaffirmed the right of representatives of the people to limit expenditures of funds.

And so, tonight we have before us an amendment which is broad in its scope, broader in this gentleman's opinion than any before we have faced. I said that a few weeks ago about another amendment, and I think this can be said again tonight. Read its provisions. It is very broad. It does allow for fraudulent representations to cause abortions. It allows liberal physicians who are in favor of abortion and profit from abortions, and make a career out of running abortion mills, to make these decisions and certify that they will allow these children to die. And, it allows the Secretary to issue future regulations and procedures that we know nothing about. Perhaps they will or will not be strict, although it says, "rigorously enforced."

So, the real issue here tonight is, how many of these little American citizens we are going to be able to save out of the 300,000 the taxpayers are paying to kill. We hear a lot of concern here expressed about child abuse. I was on television a few weeks ago with a doctor from North Carolina who runs one of these abortion mills. He was talking about the horrible child abuse he has seen. I pointed out that the ultimate child abuse we all know is death.

So, I think those of us concerned about the right to life can stop the ultimate child abuse. We can have a continuing resolution if this motion fails, and I hope it will fail. But, mark my words: Those of us who stood with this, a majority of 80 and 22 on the latest vote, mark my words: I have said it before, and I am not preaching at all, I am just telling the Members a political fact; the issue will not leave us. This is not a threat; it is a fact. We are going to have to deal with the right-to-lifers who cut across all party lines and all political divisions; Jewish, Christian, Protestant, Catholic, no particular formal religion, they are going to be at your congressional office door, and they are going to be out campaigning because this fundamental issue has stirred America and will remain with us.

I say, put aside the 200-year tradition of this House of caving in when the time gets late. Place this issue on the plane where it ought to be considered and let us vote against this language tonight. And should it possibly pass, God forbid, I call upon the President of the United States, supported by the Secretary of HEW, to stand by the words they have so eloquently repeated over and over, that they oppose federally financed abortion, and to veto this bill.

I urge defeat of the motion.

Mr. FLOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Speaker, I am personally opposed to abortion, as many Members here are, and I have voted consistently, without exception, in favor of the Hyde amendment. On November 3 I felt that we were as close to a compromise as we could possibly get, but I personally could not accept the loophole found in the phrase dealing with rape and incest. Many of us interpreted that as too open-ended.

I discussed this with a few Members that evening, frustrated as everyone here is over the continuing deadlock we have on this issue, and I felt that if we could somehow come to grips with the provision relating to rape we could possibly break the deadlock. Since that time, we have come up with language which accomplishes a reasonable compromise.

It takes us away from continuing our attempt to define rape, but instead approaches the issue by establishing a workable reporting requirement. I think that this is the greatest deterrent to fraud that we could possibly have, a reporting requirement that will have the victim going into a proper agency and filling out the forms before she qualifies for an abortion.

I am convinced that some allowance needs to be made for those women in extreme circumstances whose life or physical health are in jeopardy. I am also concerned that a provision be made that would encourage women who are the victims of rape or incest to report such tragic circumstances. The amendment recognizes the extreme reluctance of many women and teenage girls to report rape incidents to the police and establishes an alternative reporting procedure to designated public health agencies.

The intent is to insure that innocent victims of rape will receive treatment with a minimum of difficulty, but that sufficient steps have been taken by the victims to demonstrate the fact of the rape. A beneficial side effect is that victims of rape will be encouraged to report to rape centers and public health agencies where they can receive counseling about medical treatment and law enforcement.

The clause dealing with rape cannot be both an open door to abortion on demand and a closed door to legitimate victims of rape. Yet I have heard both arguments advanced against this language. It is, in fact, a door which a woman must think about opening and must be willing to walk through and say, "I have been raped." I do not think there is anybody in this body who can deny that this is a significant and difficult act for a woman.

Mr. Speaker, I move that we concur in this language.

Mr. MICHEL. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, if I may briefly reply to the distinguished majority leader, there has been some slight progress in medical science since the time of Augustine, which I believe was the fourth century, and Aquinas, which I believe was the 12th century. And as to speculating as to how many angels can dance on the head of a pin, that is an interesting question, but I do not think it is to be compared with the problem of human life to be thrown away in a plastic bag in a hospital or in an abortion mill. I think the two things are quite distinct.

This language is a good-faith effort to compromise. I salute and commend and appreciate the efforts of everybody who has tried to work this out. Having said that, I cannot accept it. Personally, I reject it out of hand, and I want to tell the Members why.

First of all, on the rape or incest, it does not say forced rape. In the rape of an 18-year-old girl or a 17-year-old girl, depending upon what the statutory age is in a given State, she would get her abortion. If she becomes pregnant, she gets an abortion. There is no requirement of force, or anything else. Statutory rape is covered. She gets an abortion.

Secondly, there is no time for reporting. A woman 6 months pregnant goes in, talks to the Public Health Service receptionist, says, "I was raped 6 months ago in the hallway of my building. I do not know who the assailant is." She has complied with the mandate of this amendment. She gets an abortion. It opens the door to very questionable practices. I should think this agency, HEW, which has enough problems in terms of alleged questionable payouts would be very concerned about this. The same facility can take the report that performs the abortion—the Public Health Service or its equivalent, whatever that means.

Under the present law—and, remember, the present law is what I support—there is treatment for rape or incest victims, at least during the first month following the occurrence.

The second part of this proposal concerning health provides no accountability. The medical condition does not have to be preexisting. No medical records would exist to verify that the patient had this condition. There is no record of the condition after the abortion because the doctor cures the condition with the abortion. That is a Catch 22. The condition has arisen because of the abortion, and in the doctors judgment it is serious, it is long lasting. We have cured it because of the abortion. There is no way to verify it. We are trading a human life for a migraine headache. We are trading a human life for a doctor's judgment call on what is going to be characterized as serious and long lasting. I think the tradeoff is very unequal, and I think the physicians who want to abuse this will be able to do so with impunity.

Under existing law, no one has died as a result of the so-called Hyde amendment, despite the media event which occurred within the last month or so, concerning the unfortunate Texas woman who died following a Mexican abortion.

But as was shown in the press the other day—and that is just what it was, a media event—she was not denied an abortion. She did not want an abortion in Texas; she wanted to conceal the fact of pregnancy by going to Mexico for her abortion.

There was a memorial service held for that lady here on the Capitol steps. There have been no memorial services held for the unborn children who have been killed as a result of these abortion procedures.

Let me suggest to the Members, if they support this amendment, that they are confusing the curing function of a doctor with the killing function of a doctor. I do not view doctors as anything less than healers. They should not be executioners. If we do not know when human life begins, I suggest we ought to study the question, because the medical books bristle with evidence that human life begins at the moment of conception. So when we kill a human life in this way—and that is what abortion does—we are killing a human life because it is inconvenient or for some other reason.

The mayor and citizens of Buchenwald walked through the old crematoriums after the war, and they said, "We didn't know. We didn't know." But there is no excuse for us not to know what we are talking about.

We are talking about human life, not angels dancing on the head of a pin. We are talking about innocent, inconvenient human lives. If this society cannot find ways to handle the human problems of unwanted pregnancies without resorting to abortion, then we are seriously deficient.

Mr. Speaker, I hope the Members will reject this amendment and tell the Senate, "We like the law the way it is. We don't like your changes."

Mr. FLOOD. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. HEFTEL).

Mr. HEFTEL. Mr. Speaker, I have the greatest respect for the right to life, and I have devoted many years of my life to the cause of defending that right to life.

Today I am not certain that we are talking about the right to life. We are talking about the use of Federal funds that are appropriate when individuals have a need for medical care within the realm of their own ability to pay.

Mr. Speaker, if we want to talk about Federal funds, there are at least 5 million people, including young girls and children—perhaps 3 million or 4 million females—whose needs are funded by Federal payments for medical care. Thus Federal funds on the one hand may be provided in one instance, but they may not be provided in another instance.

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

Mr. Speaker, the majority leader made mention of $61 billion of Federal funds that are at stake here, and according to the last statistics available, $45 to $50 million is what is really at issue in the 300,000 abortions that were performed at Government expense before the enactment of the Hyde amendment.

We must make a decision here today as to whether or not we will delay for another day the consideration of this issue or whether we will come to grips with it now. It is a very difficult decision for every Member of this House. As I said earlier, it is a decision that must, in the end, be up to each Member's own conscience.

I am going to support this compromise language. I know that it gives me serious problems, because when I argued with the Members of the Senate and the conferees, I was always in support of the Hyde amendment, and I was trying to restrain the Senate juggernaut as much as I could.

Reference has been made to what impact the "Right to Life" people or those who feel strongly about life, as all of us do, may have on this issue and what the repercussions may be at some future date. If this entire House membership is renewed next year, that does not eliminate the fact that there is only one-third of the other body whose seats will be renewable.

As I look at those Senate votes as they have come in one after another—2 to 1, and again 2 to 1—I must infer that at this point somebody has got to give. I do not want to give.

Some of my colleagues on the subcommittee cannot give because of the tremendous pressures they have at home, and I realize that. But a few of us have got to give in order to compromise and reach an agreement. It is disturbing to me to have to say that, but we must give. The Senate has backed down from its original position.

I wish we would have had in this amendment the words "forced rape," as the gentleman from Illinois (Mr. HYDE) said, or the term "prompt treatment," I would hope that in view of the last sentence in the Senate language, that "The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced," if Secretary Califano is against abortion on demand or the President is against abortion on demand, within 30 days this administration ought to be able to come up with a rule and with regulations that do draw a distinct line very tightly, a line just as the one we are talking about here.

It is incumbent upon them to do so; and if we have to engage in a little dialog to make legislative history here, it seems to me we ought to do that, then. The administration will have an opportunity to get these rules and regulations out, and I would say further that by the time we have our hearings next year, there are enough statisticians down there so that when they come before our committee and tell us how many abortions were performed at public expense; for whom they were performed, for teenagers, married people, black, white, Chicanos. I want all the statistics.

If we are demanding today that in order to get a rebate on a fuel bill, we require people to put all those things down, whether or not they are white, black, yellow, and to what age group they belong, the same thing can be done for this issue. Then, when we come to bring this bill up next year, we are going to have something solid to base a decision upon.

Today we hear all sorts of things. I have to take the word of the police or of the sheriffs when they say, "There will be wholesale charges that we have had rape here and that we just cannot cope with it."

I am not altogether sure that that is why I initially, several weeks ago, offered this language to report it to a law-enforcement agency to put a little restraint on it. Somebody is going to be

rather reluctant to really report it if it really did happen; or if it did not happen, there is no good reason to publicly disclose it.

Therefore, Mr. Speaker, I think there are some restraints here. As much as I would like to have them more stringent, I am going to have to support this language. The Senate has made their language tighter. Not tight enough but tighter. And with the additional requirement in the language that the Secretary of Health, Education, and Welfare issue regulations to strictly enforce this language and our intent, I believe that funding of abortion on demand is prohibited to the extent humanly possible.

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

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

Mr. BAUMAN. Mr. Speaker, the point has been raised in debate here about the meaning of the language "Public Health Service or its equivalent" so far as reporting incidents of rape or incest is concerned.

Is it the gentleman's understanding that any person seeking an abortion could go to a federally financed or partially federally financed abortion clinic and there certify the pregnacy was the result of rape and thus obtain an abortion?

Mr. MICHEL. Again, in the rules and regulations that will be promulgated downtown, I would hope that they would make it very clear that we do not intend this and that whenever rules come out of the Department, they will be based on this general feeling, from the kind of dialogue that takes place in this House, and reflect what we have in mind.

The SPEAKER pro tempore. The time of the gentleman from Illinois (Mr. MICHEL) has expired.

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

The SPEAKER. pro tempore. The gentleman from Illinois (Mr. MICHEL) is recognized for 2 additional minutes.

Mr. MICHEL. Mr. Speaker, I think it should be clear that we do not intend that this simply be an opening of the floodgates for abortion on demand. Whether it is a Public Health Service or whatever, it has to report to the Department of Health, Education, and Welfare, just as a law-enforcement agency would have to report it.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield further, anyone can see the obvious conflict that exists in a medicaid-financed abortion clinic, which makes most of its money from performing abortions, having the right to certify that these pregnancies were a result of rape or incest. Obviously, it would be almost an automatic act by people who have a patent conflict of interest and wish to perform the abortion and be paid. That certainly should not be the intent of the conferees.

Mr. MICHEL. No, it should not. I would sincerely hope that they would be getting the message downtown and that lines would be drawn accordingly.

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

Mr. MICHEL. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I heard the gentleman from Illinois (Mr. MICHEL) say that next year, when we get this matter back, he would be willing to give assurance to the House that he would have reliable statistics with respect to the incidence of abortion.

I would only urge the gentleman that, in reading a New York Times article about the death of the woman who went to Mexico for an abortion, the Center for Disease Control in Atlanta first reported her death to have resulted from the ban on medicaid abortions when apparently that was not the case at all.

I would hope that the Center for Disease Control is not the genesis of most of the statistics which we might get next year since their information on the Mexico situation was misleading at best and a cover-up at worst.

Mr. MICHEL. The folks downtown have plenty of ways of gathering statistics, and I think we can put enough heat on them to do it validly.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER.. Mr. Speaker, I think that one of the things that has not been pointed out is that when we talk about a conflict of interest, one matter we should keep in mind is that if they do not perform an abortion, there will be a delivery, in which case there would be higher charges than there would be for an abortion.

I think it is difficult to say that they would be trying to encourage abortions as to make money because really in the way of a conflict of interest it would be to their advantage to have them go full term.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, there are just two points that I would like to address here. We have heard about the politics and the ending of abortions. Just to take the smaller question first, although it may not seem so to all of us here, I ran twice in my district and the same right-to-life opponent, a very fine man in my district, received of the 206,000 and some votes cast, precisely 1,453. I do not think that anybody here ought to think of this in the way of heavy votes because I do not believe that it is. I think it would be terrible to put the lives and sufferings of people in the balance against a false presumption.

The second thing I would like to address is the hope that was expressed by our distinguished colleague from Maryland of ending abortions. Nothing in the whole history of the human race has ever ended abortions, you merely displace them.

I was in Chile some years ago, or many years ago, 40 years ago, maybe, and in going through a hospital in Chile, I asked the manager, the head of the hospital services for the nation, in Santiago, in the head hospital—

How does it happen you have so many women? In Bellevue Hospital in New York City our men's wards are much more full.

He said,

Thirty-five percent of all of the beds in the hospitals in Chile, all over the nation, are filled today with women who are dying or recovering from hemorrhaging or infections for self-induced abortions.

Now you will not stop it. You may not have what Chile has in the sense of self-induced abortions, but you may have back alley abortions. I think that I have described on the floor of this House the tragedy to a family in my State that was involved in such a thing, with the mother held as an accessory for the murder of her teenage daughter.

We must think of the lives that are blasted, ruined and destroyed. That is what is at stake here, Members of the House, and, Mr. Speaker, not just a political question and not the hope of ending something which is a tragedy no matter how you look at it.

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

Mr. FLOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Speaker, and Members of the House, I personally believe we should make it very clear that on this language that we are voting on there rests the basic question of whether the taxpayers will pay for abortions or not. A vote against it is a vote that the taxpayers will not pay for it.

I think that is the clear cut issue.

I agree with the other speakers who have basically said that this is not a political question but that it is a matter of principle, and to some of us it is a principle that cannot be compromised. It is basically a principle of life.

I too recognize that there are those who disagree and who take the opposite viewpoint, and I recognize that they, too, believe in the principle that there should be no restriction on abortions.

I recognize that. But what bothers me here is to see those who waffle on the issue to find excuses to vote one way or another when there is no compromise. It is basically an issue of whether taxpayers pay for abortion or whether taxpayers do not pay for abortion. Let us vote on that issue and let us decide that issue.

I too, if this language is adopted, shall call upon the President to veto the bill because of his prior commitments to the policy that no taxpayers' money be used to pay for abortions.

Mr. OBERSTAR. Mr. Speaker will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Minnesota (Mr. OBERSTAR).

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

As our distinguished majority leader so eloquently said, the time has come to take a stand, but that sword cuts two ways. It cuts against the grain of those advocating this language which very clearly permits abortions. If one is opposed to abortions, he must oppose this language.

Mr. FLOOD. Mr. Speaker, I yield to the gentlewoman from Maryland (Mrs. SPELLMAN) for a question.

Mrs. SPELLMAN. Mr. Speaker, I would like to ask a question of the chairman.

There has been considerable concern evidenced regarding the language, the very comprehensive language here in section 209. The Subcommittee on Compensation and Employee Benefits is having inquiries from health insurance carriers and from HEW employees. The Federal insurance programs, of course, are subsidized with Federal funds and the insurance programs of HEW employees are being paid for substantially with Federal funds.

Therefore this language which says:

None of the funds contained in this Act shall be used to perform abortions . . .

is language that is under careful scrutiny at the moment.

Can the chairman provide assurance to the health insurance carriers and to the employees of HEW that the language here in section 209 will not affect them?

Mr. FLOOD. Of course, as the gentlewoman says, the issue is currently being studied by the lawyers at HEW and Civil Service Commission. This matter, as the gentlewoman well knows, is very complicated by the fact that employees pay a portion of the health insurance premium.

The language in the Labor-HEW bill is vague. There is no question about that. I am not sure I can give a definite answer, but certainly we do not intend to tell the employees how to spend their money. I am sure about that.

Mrs. SPELLMAN. I see. Then we are not saying to health insurance carriers the moneys they get are Federal moneys and coming from this act and therefore may not be used for this purpose.

Mr. FLOOD. Our intention is very clear. I have said that before.

Mrs. SPELLMAN. I thank the gentleman from Pennsylvania.

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

Mr. Speaker, I rise in opposition to the motion to concur in the Senate amendment. I think the Members could have guessed that. We are here tonight only because time is of the essence. Time is what controls us now. The clock over the head of the Speaker. In the back of the room there are some calendars.

In essence, it is not the laws of man nor the laws of God, but that pagan god time is of the essence tonight, or so it seems.

No one in this Chamber wants to settle this labor-HEW appropriation bill more than I do. I hope Members know that. This bill has been tied up by the abortion issue since last August. All the money differences have been resolved completely, but the bill has not been enacted because of this one amendment.

Now—to use a moth-eaten phrase the hour is late, the Members are tired, and they are tired of hearing about the issue of Federal funds for abortion.

But despite all of that, I am not ready to agree to just any language in order to clear this bill for the President's signature. I saw this latest Senate proposal a couple hours ago; but you need only minutes to realize that it is very similar to the language the Senate has proposed before. The words are slightly different; but it reflects the original Senate position, make no mistake about that.

If there has been any attempt to compromise in this latest Senate proposal, it is stated in very vague language which would allow a variety of interpretations. In any case, if compromise is the word to use under these circumstances, it is not really apparent to me.

The Senate proposal refers to victims of rape or incest having to report to a public health service. What is meant by public health service? Is it a hospital, a community health center, a clinic, a doctor, a paramedic? It is just not clear what is meant by that phrase.

Now, another vague reference is this phrase—"severe and long-lasting physical health damage." My, what does that mean? Cancer? Renal disease? That is one thing. But what about cataracts of the eye? Now that is something else.

You see, my problem with the latest Senate proposal is that it might be interpreted in a way that will allow Federal payments for abortions for any reason.

There is simply no way of preventing abuse in the interpretation of this language which may result in the use of Federal funds to pay for abortion on demand.

The House has voted on this seven times. It has been sent to the House seven times. The latest Senate proposal is to accomplish what purpose? It is vague. Time is of the essence; apparently not the law—that is what we are being told tonight. Pontius Pilate was an amateur by comparison.

Mr. Speaker, I urge that we stay with the House position, and vote against this motion.

Mr. SMITH of Iowa. Mr. Speaker, it has been almost 6 months since the House passed the HEW and Labor Appropriations bill providing funding for 130 Federal programs affecting virtually every citizen in the United States. We long ago agreed with the Senate on the funding levels but the entire bill has been held up over an argument concerning the conditions under which medicaid should pay for abortions.

Almost no one is against the Government paying for abortions under some circumstances. Also, almost no one is for paying for abortions as a planned preferred and expensive substitute for other birth control methods. So the argument is over the conditions under which they should be paid, and attempts by some to apply a super simplistic analysis of whether one is for or against abortions for poor women are missing the issues.

I do not think funding for 130 programs should be held up while these guidelines are being determined. The proper method for settling such an issue would be to pass a separate bill on medicaid in which further guidelines are developed and I have always voted against holding this deviation from that procedure. However, a substantial majority have voted several times that they want guidelines included as a part of this bill. Under those circumstances, we should try to agree on language which actually has enough support so that the matter will be considered as settled and can be readily agreed to next year instead of again holding up funding for these important programs. I have not seen any news articles which made this important point. The legislative process is complicated and apparently most of those describing the controversy do not fully appreciate the difference between an authorization and an appropriations bill.

Such a solution had been pretty well agreed upon last year and it was hoped that the same language would be agreed upon this year without delaying the bill. However, a new administration, a new Attorney General's ruling, and other circumstances encouraged some to want to rehash the whole matter again. Now after 6 months, language is today proposed which is very similar to the intent of the provisions of the bill and report adopted last year. Congress has changed little since last year and in my opinion this language almost represents majority opinion concerning the conditions under which abortions should be paid under medicaid. The proposed language is similar to what had been agreed upon in the conference committee a month ago; but when the Senate conferees presented it to the Senate they made changes which assured that even if it passed, the same arguments and delays would resume on next year's bill. I suppose some of the Senators thought they could secure approval just because the House and Senate were about to go into a 3-week nonlegislative period and that they could use a tactical advantage to force the majority to agree to a minority point of view. If it had been approved, the victory for those who favored it would have been short and it would have assured a far more strenuous effort next year to more than reverse it. In my opinion, it would have been a temporary solution and constituted throwing away the chance to arrive at a long-term agreement toward which we have been progressing in our costly time-consuming negotiations during the past several months.

While the language provided in this amendment today still does not come as close to representing majority opinion as it could, it is close. In my opinion, the Senate made a mistake in not changing it slightly to coincide with previous agreed language and by so doing, they risk losing the whole amendment. However, I believe it is language which the majority could logically next year recognize as representing a majority opinion, it does represent a reasonable effort to present to the House a chance to vote on language which the majority can support, and by presenting it, conferees will have complied with the reformed rules of the House under which conferees are deemed to be agents of the House who must negotiate within the instructions given by the House rather than using their position to force a minority view upon the House by procedural means. I do not like continuing resolutions under

which agencies are rationed too tightly and I do not want to hold up funding for these important programs any longer. While I believe better language could be found, I am going to vote yea today.

Mrs. SCHROEDER. Mr. Speaker, I think allowing medical procedures in cases of rape and incest is more than reasonable. I would like to share two cases that came across my desk today. They are very similar to the many cases I hear about daily. I think they show the great danger there is in this body deciding all abortions should be banned.

The articles follow:

Hon. PATRICIA SCHROEDER,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR MS. SCHROEDER: I am the recent victim of a pregnancy caused by rape. Here is my story:

On the night of September 19, 1977, an unknown man broke into my home while my mother, who was visiting from Virginia, my two young children, and I were sleeping. He awakened me, told me that I must do all that he asked without making any noise, or he would have his accomplice harm my children. He then raped me and escaped.

I immediately reported the incident to the police. With the support of the police, my friends and family, I was able to handle the experience without undue trauma. Three weeks later, however, I found that I was pregnant. The objectivity I had been able to maintain to that point disintegrated. Although I have always believed all women should have the option of abortion if they thought it best in their situation, I have never considered abortion an option for me. But I had never been raped.

I am a program coordinator for the Child Abuse Prevention Council of the Monterey Peninsula, and suddenly I was faced with having to consider the ultimate child abuse. I had submitted to the humiliation of rape in order to protect my children, and now I had to decide whether or not to abort another of my children. I went through emotional agony trying to decide between an abortion or keeping the baby within me. Finally, I realized that I could not give this child the ideal in utero environment because of my emotional state. I would resent his/her presence in my body every moment. As a single parent (I am in the process of a divorce), I do not have the financial or emotional resources to bear or support another child, particularly an unwanted child. On October 20, 1977, I had an abortion.

Before my husband and I separated in June 1977, I had been a homemaker. I started working in August and had not been able to save enough money to pay for the abortion. Fortunately, I had Medi-Caid coverage. And fortunately, I live in California where abortions are still covered by Medi-Caid.

My heart goes out to those women who have had the experience of becoming pregnant by a rapist, but who are not as fortunate as I. The confusion, fear, and trauma of a rape is enormous. In addition, an unwanted and perhaps despised child is conceived. Nothing in life can affect a woman more personally. And yet, it has all been forced upon her against her will. To deny a woman an abortion because she is unable to afford one is adding the ultimate indignity—forcing her to carry a child she had no responsibility for creating. Because she is poor.

If you could step into my shoes for just a short while, if you could feel my tears and outrage, Medi-Caid abortions for rape or incest would not be a debated issue. If I were the wife, or daughter, or sister of the legislators, how would they vote? Please use your influence to make the abortion legislation fair to all our nation's women.

Sincerely,

——— ———.

The second case was described to me in a letter from Rocky Mountain Planned Parenthood:

A case in point came to my attention last week. A 13 year old child who had been seduced by her 26 year old teacher came to our clinic for counseling. She knew little if anything about sex and didn't understand what was happening to her. The resulting pregnancy terrified her and she tried to hide the situation from her mother who had threatened once to put her in a "home" if she didn't "behave." The teacher left town. Her mother found out about the pregnancy and was very concerned and supportive. She took her daughter to a physician who recommended abortion because of the relative immaturity of the girl's body. He felt that she would probably miscarry in the fifth or sixth month, or else the baby would be delivered by caesarean. He also felt that the baby might be underweight and malnourished at birth, and its mother injured physically and emotionally.

This young girl did not want to have the baby; she still plays with dolls and worries about dates. If she had been unable to secure a safe, legal abortion, her life may have been ruined. To force this child to have a child would have been the ultimate cruelty.

Mr. Speaker, I hope the Members will ponder these cases before voting.

Mr. NEAL. Mr. Speaker, I have been listening carefully for some months now to the debate on the question of Federal funds for abortion. A number of thoughts have occurred to me which I would like to share with my colleagues.

Central to any discussion of abortion is the question of when life begins. The arguments of my distinguished colleague from Illinois, Mr. HYDE, when this matter was last debated, centered on the premise that life begins with conception. If I accepted that postulate, I, too, would feel compelled to work to end abortion—whenever and however possible. But that very question has never been resolved in my mind.

In considering Mr. HYDE's comments further, I began to wonder, "What are the opinions of various religious leaders in the United States on this issue?" I did some research into the matter, studying the statements of some of the denominations most prevalent in North Carolina's Fifth Congressional District. I was struck by the fact that even our churches, for the most part, have been unwilling to say to their members, "This is when life begins. At this point, what before had the potential for human life, suddenly is human life."

The answer to the question, then, is not agreed upon even by our spiritual leaders. I certainly do not think the Government should be in the business of making such moral decisions, but by denying medicaid funds for abortion we are, in effect, making that very same judgment for many citizens of the United States. We are eliminating the choice, and by that, denying the women affected the right to choose an abortion which the Supreme Court has ruled is included in the right to privacy.

Frankly, I am surprised at some of my colleagues for their position on this issue. Many of them in the past have been among the most articulate and effective Members in advocating less Government interference in the lives of our citizens. I share their concern in this area. And yet, they now would have the Federal Government make this decision for poor women, and on a question which has divided even our most respected spiritual leaders.

I would like to share with my colleagues some of the statements from religious organizations which are active in North Carolina. First of all, because it illustrates so well the basic point which concerns me, I would like to quote from the "Proposal for Action" adopted by the Eighth General Synod of the United Church of Christ in 1971:

Although a form of life exists in the sperm and the unfertilized ovum, a new kind of life emerges at the moment of their union. Many regard conception (up to 72 hours after coitus), others implantation (7 days), as the beginning of an inviolable life. But while such life is human in origin and potentially human in character, the integration of bodily functions and the possibility of social interaction do not appear until later. Alternative candidates for the beginning of significantly human life are the final fixing of the genetic codes (3 weeks), the first central nervous system activity (8 weeks), brain development and cardiac activity (12 weeks). Some time after the twelfth week "quickening" occurs: that is, the mother can feel the arm and leg movements of the fetus. "Viability" in the present stage of technology begins between the 20th and 28th week, and the fetus has a chance for survival outside the womb.

The Pilot Mountain Baptist Association in my own Fifth Congressional District had these comments in February of 1974:

Abortion in most cases is the choice of the lesser of two evils. Abortion generally testifies to the violence, the excessiveness and the growing permissiveness of our time and society. Although sometimes permissible, it should never be done frivolously or in haste and is always mournfully regrettable. . . .

There must be a wholesome balancing of rights, wherein the mother, the father, the fetus and our society are given due and deliberate consideration (recognizing that under some circumstances abortion may be an agonizing necessity.)

The Southern Baptist Convention also went on record in June of last year:

. . . we call on Southern Baptists and all citizens of the nation to work to change those attitudes and conditions which encourage many people to turn to abortion as a means of birth control . . . we also affirm our conviction about the limited role of government in dealing with matters relating to abortion, and support the right of expectant mothers to the full range of medical services and personal counseling for the preservation of life and health.

The Episcopal Church—at its 65th General Convention—stated:

That the position of this Church, stated at the 62nd General Convention of the Church in Seattle in 1967 which declared support for the "termination of pregnancy" particularly in those cases where "the physical or mental health of the mother is threatened seriously, or where there is substantial rea-

son to believe that the child would be born badly deformed in mind or body, or where the pregnancy has resulted from rape or incest," is reaffirmed. Termination of pregnancy for these reasons is permissible.

The Presbyterian Church of the United States passed the following resolution in June of 1970:

Induced abortion is the willful destruction of the fetus. Therefore, the decision to terminate a pregnancy should never be made lightly or in haste.

The willful termination of pregnancy by medical means on the considered decision of a pregnant woman may on occasion be morally justifiable. Possible justifying circumstances would include medical indications of physical or mental deformity, conception as a result of rape or incest, conditions under which the physical or mental health of either mother or child would be gravely threatened, or the socio-economic condition of the family. The procedure should be performed only by licensed physicians under optimal conditions and with appropriate medical consultation and ministerial counseling, preferably by her own Minister.

Medical intervention should be made available to all who desire and qualify for it, not just to those who can afford preferential treatment.

In 1976 the General Conference of the United Methodist Church resolved that:

Our belief in the sanctity of unborn human life makes us reluctant to approve abortion. But we are equally bound to respect the sacredness of the life and well-being of the mother, for whom devastating damage may result from an unacceptable pregnancy . . . We support the legal option of abortion under proper medical procedures . . . a decision concerning abortion should be made after thorough and thoughtful consideration by the parties involved with medical and pastoral counsel.

And in June of 1970 the Lutheran Church in America said:

Since the fetus is the organic beginning of human life, the termination of its development is always a serious matter. Nevertheless, a qualitative distinction must be made between its claims and the rights of a responsible person made in God's image who is in living relationships with God and other human beings . . . On the basis of the evangelical ethic, a woman or couple may decide responsibly to seek an abortion.

Mr. Speaker, regretfully, I urge my colleagues to accept this compromise. Let us not put this Congress in the position of making further medical decisions—as well as moral decisions—for the poor women of the United States.

The SPEAKER. Without objection, the previous question is ordered on the preferential motion of the gentleman from Texas (Mr. MAHON).

There was no objection.

The SPEAKER. The question is on the preferential motion.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 183, nays 205, not voting 46, as follows:

[Roll No. 751]

YEAS—183

Addabbo	Anderson, Calif.	Andrews, N.C.
Akaka	Anderson, Ill.	Ashley
Allen	Aspin	AuCoin
Baucus	Bedell	Beilenson
Blanchard	Bonker	Bowen
Brademas	Breckinridge	Brinkley
Brodhead	Brooks	Brown, Calif.
Brown, Mich.	Broyhill	Buchanan
Burke, Calif.	Burlison, Mo.	Burton, Phillip
Carr	Clay	Cohen
Collins, Ill.	Conable	Corman
Cornwell	Coughlin	Daniel, R. W.
Danielson	Davis	Dellums
Derrick	Dicks	Dingell
Dodd	Downey	Drinan
Edgar	Edwards, Calif.	Evans, Colo.
Evans, Del.	Fascell	Fenwick
Findley	Fisher	Flippo
Flowers	Foley	Ford, Mich.
Ford, Tenn.	Forsythe	Fountain
Fowler	Fraser	Frenzel
Gilman	Ginn	Glickman
Gonzalez	Gudger	Hamilton
Hammer-schmidt	Hannaford	Harkin
Harris	Hawkins	Hefner
Heftel	Holland	Hollenbeck
Holtzman	Horton	Howard
Hughes	Jacobs	Jeffords
Jenrette	Johnson, Calif.	Johnson, Colo.
Jones, N.C.	Jordan	Kastenmeier
Ketchum	Keys	Kostmayer
Krebs	Leach	Leggett
Lehman	Levitas	Lloyd, Calif.
Long, Md.	Lundine	McCloskey
McCormack	McFall	McKinney
Maguire	Mahon	Mann
Martin	Mattox	Meeds
Metcalfe	Meyner	Michel
Mikulski	Mikva	Milford
Miller, Calif.	Mineta	Mitchell, Md.
Moffett	Mollohan	Moorhead, Pa.
Moss	Neal	Obey
Ottinger	Panetta	Patterson
Pattison	Pease	Pepper
Pettis	Pickle	Pike
Preyer	Pritchard	Railsback
Rangel	Reuss	Richmond
Rogers	Roncalio	Rosenthal
Roybal	Runnels	Ryan
Santini	Scheuer	Schroeder
Seiberling	Sharp	Shipley
Sisk	Slack	Smith, Iowa
Solarz	Spellman	Stark
Steed	Steers	Stockman
Stokes	Studds	Thompson
Thornton	Tsongas	Tucker
Udall	Ullman	Vanik
Waigren	Waxman	Weaver
Weiss	Whitley	Wiggins
Wilson, C. H.	Wilson, Tex.	Wirth
Wolff	Wright	Yates

NAYS—205

Ambro	D'Amours	Hubbard
Ammerman	Daniel, Dan	Huckaby
Andrews, N. Dak.	de la Garza	Hyde
Annunzio	Delaney	Ichord
Applegate	Derwinski	Ireland
Archer	Devine	Jones, Okla.
Ashbrook	Dornan	Kazen
Bafalis	Duncan, Tenn.	Kemp
Baldus	Early	Kildee
Barnard	Edwards, Ala.	Kindness
Bauman	Edwards, Okla.	LaFalce
Beard, R.I.	Eilberg	Lagomarsino
Benjamin	Emery	Latta
Bennett	English	Lederer
Bevill	Erlenborn	Lent
Blouin	Ertel	Livingston
Boggs	Evans, Ga.	Lloyd, Tenn.
Boland	Evans, Ind.	Long, La.
Bonior	Fary	Lott
Breaux	Fish	Lujan
Brown, Ohio	Flood	Luken
Burgener	Florio	McClory
Burke, Fla.	Flynt	McDade
Burke, Mass.	Frey	McEwen
Burleson, Tex.	Fuqua	McHugh
Byron	Gammage	McKay
Caputo	Gaydos	Madigan
Carney	Gephardt	Markey
Carter	Gibbons	Marks
Cavanaugh	Goodling	Marlenee
Cederberg	Gore	Marriott
Chappell	Gradison	Mathis
Clausen, Don H.	Grassley	Mazzoli
Clawson, Del	Guyer	Miller, Ohio
Coleman	Hagedorn	Minish
Collins, Tex.	Hall	Mitchell, N.Y.
Conte	Hanley	Moakley
Corcoran	Hansen	Montgomery
Cornell	Harsha	Moore
Cotter	Heckler	Moorhead, Calif.
Crane	Hightower	Mottl
Daniels, Dominick V.	Hillis	Murphy, Ill.
Danner	Holt	Murphy, N.Y.
Dent	Holtzman	Murphy, Pa.
Derrick	Howard	Murtha
Dicks	Hubbard	Myers, Gary
Dingell	Huckaby	Myers, John
Dodd	Hyde	Myers, Michael
Downey	Ichord	Natcher
Drinan	Ireland	Nedzi
Edgar	Jones, Okla.	Nichols
Edwards, Calif.	Kazen	Nix
Evans, Colo.	Kemp	Nolan
Evans, Del.	Kildee	Nowak
Fascell	Kindness	O'Brien
Fenwick	LaFalce	Oakar
Findley	Lagomarsino	Oberstar
Fisher	Latta	Patten
Flippo	Lederer	Perkins
Flowers	Lent	Poage
Foley	Livingston	Pressler
Ford, Mich.	Lloyd, Tenn.	Price
Ford, Tenn.	Long, La.	Pursell
Forsythe	Lott	Quie
Fountain	Lujan	Quillen
Fowler	Luken	Rahall
Fraser	McClory	Regula
Frenzel	McDade	Rhodes
Gilman	McEwen	Rinaldo
Ginn	McHugh	Risenhoover
Glickman	McKay	Robinson
Gonzalez	Madigan	Rodino
Gudger	Markey	Roe
Hamilton	Marks	Rooney
Hammer-schmidt	Marlenee	Rostenkowski
Hannaford	Marriott	Rousselot
Harkin	Mathis	Rudd
Harris	Mazzoli	Russo
Hawkins	Miller, Ohio	Satterfield
Hefner	Minish	Sawyer
Heftel	Mitchell, N.Y.	Schulze
Holland	Moakley	Sebelius
Hollenbeck	Montgomery	Shuster
Holtzman	Moore	Simon
Horton	Moorhead, Calif.	Skelton
Howard	Mottl	Skubitz
Hughes	Murphy, Ill.	Snyder
Jacobs	Murphy, N.Y.	Spence
Jeffords	Murphy, Pa.	Staggers
Jenrette	Murtha	Stangeland
Johnson, Calif.	Myers, Gary	Stanton
Johnson, Colo.	Myers, John	Steiger
Jones, N.C.	Myers, Michael	Stratton
Jordan	Natcher	Stump
Kastenmeier	Nedzi	Symms
Ketchum	Nichols	Taylor
Keys	Nix	Thone
Kostmayer	Nolan	Traxler
Krebs	Nowak	Treen
Leach	Schulze	Trible
Leggett	Sebelius	Vander Jagt
Lehman	O'Brien	Vento
Levitas	Oakar	Volkmer
Lloyd, Calif.	Oberstar	Waggonner
Long, Md.	Patten	Walker
Lundine	Perkins	Walsh
McCloskey	Poage	Wampler
McCormack	Pressler	Watkins
McFall	Price	Whitehurst
McKinney	Pursell	Whitten
Maguire	Quie	Wilson, Bob
Mahon	Quillen	Winn
Mann	Rahall	Wydler
Martin	Regula	Wylie
Mattox	Rhodes	Yatron
Meeds	Rinaldo	Young, Alaska
Metcalfe	Risenhoover	Young, Fla.
Meyner	Robinson	Young, Mo.
Michel	Rodino	Young, Tex.
Mikulski	Roe	Zablocki
Mikva	Rooney	Zeferetti
Milford	Rostenkowski	
Miller, Calif.	Rousselot	
Mineta	Rudd	
Mitchell, Md.	Russo	
Moffett	Satterfield	
Mollohan	Sawyer	
Moorhead, Pa.	Schulze	
Moss	Sebelius	
Neal	Shuster	
Obey	Simon	
Ottinger	Skelton	
Panetta	Skubitz	
Patterson	Snyder	
Pattison	Spence	
Pease	Staggers	
Pepper	Stangeland	
Pettis	Stanton	
Pickle	Steiger	
Pike	Stratton	
Preyer	Stump	
Pritchard	Symms	
Railsback	Taylor	
Rangel	Thone	
Reuss	Traxler	
Richmond	Treen	
Rogers	Trible	
Roncalio	Vander Jagt	
Rosenthal	Vento	
Roybal	Volkmer	
Runnels	Waggonner	
Ryan	Walker	
Santini	Walsh	
Scheuer	Wampler	
Schroeder	Watkins	
Seiberling	Whitehurst	
Sharp	Whitten	
Shipley	Wilson, Bob	
Sisk	Winn	
Slack	Wydler	
Smith, Iowa	Wylie	
Solarz	Yatron	
Spellman	Young, Alaska	
Stark	Young, Fla.	
Steed	Young, Mo.	
Steers	Young, Tex.	
Stockman	Zablocki	
Stokes	Zeferetti	
Studds		
Thompson		
Thornton		
Tsongas		
Tucker		
Udall		
Ullman		
Vanik		
Waigren		
Waxman		
Weaver		
Weiss		
Whitley		
Wiggins		
Wilson, C. H.		
Wilson, Tex.		
Wirth		
Wolff		
Wright		
Yates		

NOT VOTING—46

Abdnor	Cunningham	Le Fante
Alexander	Dent	McDonald
Armstrong	Dickinson	Quayle
Badham	Diggs	Roberts
Badillo	Duncan, Oreg.	Rose
Beard, Tenn.	Eckhardt	Ruppe
Biaggi	Fithian	Sarasin
Bingham	Giaimo	Sikes
Bolling	Goldwater	Smith, Nebr.
Broomfield	Harrington	St Germain
Burton, John	Jenkins	Teague
Butler	Jones, Tenn.	Van Deerlin
Chisholm	Kasten	Whalen
Cleveland	Kelly	White
Cochran	Koch	
Conyers	Krueger	

The Clerk announced the following pairs:

On this vote:

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

Mr. Diggs for, with Mr. Biaggi against.

Mr. Harrington for, with Mr. Sikes against.

Mr. Bolling for, with Mr. St Germain against.

Ms. Chisholm for, with Mr. Roberts against.

Mr. Koch for, with Mr. Le Fante against.

Mr. Conyers for, with Mr. Jenkins against.

Mr. Bingham for, with Mr. Armstrong against.

Mr. Eckhardt for, with Mr. Kelly against.

Mr. Butler for, with Mr. Fithian against.

Mr. Sarasin for, with Mr. Abdnor against.

Mr. John Burton for, with Mr. Quayle against.

Mr. Badillo for, with Mr. Kasten against.

Mr. Rose for, with Mr. Cunningham against.

Mr. Cleveland for, with Mr. Beard of Tennessee against.

Mr. Van Deerlin for, with Mrs. Smith of Nebraska against.

Mr. Duncan of Oregon for, with Mr. Goldwater against.

Until further notice:

Mr. Dent with Mr. Badham.

Mr. Alexander with Mr. Broomfield.

Mr. Teague with Mr. Cochran of Mississippi.

Mr. Krueger with Mr. Ruppe.

Mr. Giaimo with Mr. Whalen.

Mr. White with Mr. Dickinson.

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. FLOOD) to disagree to the Senate amendment to the House amendment to Senate amendment No. 82.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like the Members to know that when the House adjourns, it will adjourn to meet tomorrow at 12 o'clock noon.

We had anticipated that we were coming in at 10 o'clock tomorrow, but since we have business tomorrow and will meet on Thursday, the House will meet tomorrow at noon.

DOMESTIC VIOLENCE

(Mrs. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOGGS. Mr. Speaker, as many of our colleagues in this House know, the issue of family violence—violence between husband and wife, between teenagers, and parents against children, and against the elderly—has been receiving increasing attention from local community groups as well as from the news media.

In my own district, the YWCA is coordinating a counseling program for battered women, bringing together the skills and assistance of a wide variety of public agencies and private groups.

During the National Women's Conference in Houston skills workshops were conducted on a wide variety of topics, including domestic violence. The participants in the workshops on family violence were drawn from all over this country, and the vast majority of these women are working in their own communities to establish programs to assist the victims of battering.

A common theme throughout the 2 days of domestic violence workshops was the need of local community groups for information and technical assistance as well as the need for financial assistance. Groups working on domestic violence are springing up all over the Nation—and many of them are needlessly reinventing the wheel in terms of organization and programs.

During the past year I am also sure that many of you have received requests from your constituents for assistance in obtaining Federal grants and technical assistance in establishing local programs and shelters for victims of family violence. I am happy to report that the existing Federal programs are making a real effort to be responsive to these grassroots community efforts. LEAA has set aside $1 million in fiscal 1978 for family violence programs; local groups have also turned to ACTION and CETA for help. In the research area, the National Institutes of Mental Health has funded several studies which are providing the concrete data needed.

Right now the most pressing need regarding domestic violence is a systematic coordination of programs at the Federal level so that local applicants can make sense of the system; another crying need is for support in terms of technical assistance and grant moneys. For this reason NEWTON STEERS and I have jointly sponsored the domestic violence prevention and treatment program, H.R. 7927; another bill with a different approach has been introduced by our colleague BARBARA MIKULSKI.

Since the introduction of these bills we have been inundated with calls and letters from all over the country—from women's groups, from church organizations, from local elected officials, from community mental health centers, from law enforcement officials, and from victims of family violence themselves.

During the hearings planned on this legislation, I feel certain it will become apparent to the entire Nation that domestic violence is an urgent problem deserving our closest attention at the Federal, State, and local levels.

RADIOACTIVE MATERIALS THREATEN HUNDREDS

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

Mr. ALLEN. Mr. Speaker, let me quote as follows:

> Deaths in future generations due to cancer and genetic effects resulting from the radon from uranium required to fuel a single reactor for one year can run into hundreds.—Dr. Walter H. Jordan, Former Assistant Director, Oak Ridge National Laboratory.

What price will the people of America have to pay for the electricity generated by nuclear reactors—not just in money that will run into the hundreds of billions of dollars invested, the interest thereon, and for skyrocketing prices for nuclear fuel that is now controlled by international cartels—but in deaths due to cancer and genetic effects resulting from radon and the many other poisonous emissions from the uranium required to fuel the increasing number of nuclear generators constructed, and continuing to be built, throughout the United States?

On Tuesday last, there came to my attention, as your Congressman, certain unnerving and startling evidence of gross errors made by members of the Atomic Safety and Licensing Board in the amount of dangerous and poisonous emissions from nuclear reactors—errors of such enormous magnitude as to stagger the imagination.

This was revealed in a report, and projection of deaths, made by one of the top and most respected nuclear scientists in the Nation, in just the past 2 months.

I refer to Dr. Walter H. Jordan, for many years the Assistant Director of the Oak Ridge National Laboratory, and who is generally regarded by his professional colleagues as one of the foremost authorities in this field.

In an official report, dated September 21, 1977, which is now on file with the Nuclear Regulatory Commission, Dr. Jordan made the flat and unequivocal statement that the amount of radioactive materials emitted into the atmosphere and environment, "released as gas, liquid, or solid as a consequence of operating a reference powerplant for 1 year," to wit: Rn-222, has been grossly underestimated and in error in all of the supposedly scientific calculations relied on, and assumed to be correct by the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission.

The emission of Rn-222, for example, which had previously been figured and stated 74.5 curies, Dr. Jordan said, "would be 100,000 times greater!" The exclamation mark was added by Dr. Jordan, in finding such an enormous error and unbelievable understatement of such emissions by the Nuclear Regulatory Commission, in passing on the safety of uranium-fueled reactors.

Think about it. Not double or triple, but the correct amount of such poisonous emission is "100,000 times greater" than previously assumed to be correct by those serving on the Atomic Safety and Licensing Board Panel, according to Dr. Walter H. Jordan, whose calculations have not been successfully challenged to this date.

Dr. Jordan concludes with this unnerving statement:

> Since the radon continues to seep from the tailings pile for a very long time, the total dose to people over all future generations could become very large. Deaths in future generations due to cancer and genetic effects resulting from the radon from the uranium required to fuel a single reactor for one year can run into hundreds. (See Pohl, Search, Vol. 7 No. 8, Aug. 1976.) It is very difficult to argue that deaths to future generations are unimportant. But it can be shown that the number is insignificant compared to those due to the radon contribution in natural background.

Not being a nuclear scientist, I cannot comprehend the full significance of Dr. Jordan's conclusion. He said that "deaths in future generations can run into hundreds." But he does not say how many hundreds, or over what span of time. So his grim prediction is very fuzzy, to say the least. As I said, I am not a physicist or nuclear scientist, but I do recall something about geometry and geometric progression.

Thus, if Dr. Jordan is only partially correct, and instead of hundreds (plural) dying, only 100 in future generations die of cancer and genetic effects resulting from radon from the uranium required to fuel a single reactor for 1 year; the number who would die from the radon emissions of two generators for 2 years would be 400; and the number who would die from three reactors operating 3 years would be 900. Ten such nuclear reactors operating for 10 years, based on this assumption, would cause 10,000 deaths; and 100 reactors operating for the next 25 years would cause 2,500,000 deaths from

radon resulting in cancer and genetic effects over whatever timespan Dr. Jordan was projecting in his dire prediction.

Of course, if the deaths to future generations from cancer and genetic effects from the radon from the uranium required to fuel a single reactor for 1 year can run into the hundreds (plural), as Dr. Jordan states, and not just 100, as used in my sample illustration, and if the number of nuclear plants continues to increase to many hundreds, or even a 1,000, then the deaths to future generations from cancer and genetic effects would multiply in geometric progression to hundreds of millions of people who would die, if Dr. Jordan is anywhere at all near correct in his calculations and prediction.

I can only conclude that if Dr. Jordan considers this vast number of additional deaths from cancer and genetic effects as "insignificant," as stated in his report, his concern for "future generations" must be colored, if not blinded, by the fact that it is he and his colleagues of the Nuclear Regulatory Commission who have advocated and approved the construction of more and more nuclear plants to generate electricity, notwithstanding their knowledge as nuclear scientists of the inherent danger to the lives and safety of those now living, and to generations yet unborn.

But whatever the true facts may be, I feel that this report in the files of the Nuclear Regulatory Commission, and the information contained therein, should no longer be withheld from the public, for the people are entitled to know.

We can only pray that the leaders of our Nation will consider all of the facts carefully, in the very difficult decisions they must make in their search for alternative and renewable sources of energy, and that they and all of us will be led by divine providence in making the right decisions, for the safety and welfare of all mankind.

FREE TRADE MYTH

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

Mr. NICHOLS. Mr. Speaker, last year the Alabama textile industry lost more than 3,000 jobs amounting to nearly $50 million in payrolls. Many of these jobs were lost not because of a decline in demand for Alabama textiles and garments but due to unfair competition from foreign produced products.

In recent weeks we have read a great deal about the Tokyo round of international tariff negotiations and what the outcome will mean for American industry. For the RECORD I would like to submit this article entitled "Free Trade Myth" by Mr. Donald Comer, Jr., chairman of the board of Avondale Mills. I believe the article summarizes the problems faced by American manufacturers and why our trade representatives must not buckle to the pressure of our foreign competitors.

FREE TRADE MYTH

(By Donald Comer, Jr.)

Several years ago the Japanese people were rioting because Japanese television sets were being sold in New York City $200 cheaper than they could be bought in Tokyo. This certainly had all the earmarks of a dumping procedure being used to penetrate the American market.

Today we are reading the news that Zenith Radio and Television Corporation is moving one-half of its television production facilities from Pennsylvania to Taiwan and Mexico. American competitors began moving their manufacturing facilities offshore to low-wage countries five or more years ago. As a result, American workers are left with the minor job of assembling imported parts. Zenith, the last hold out, is being forced into overseas manufacturing in order to stay in business. This is a situation that at a critical time could lead to a cartel control action similar to the one we were faced with when OPEC nations knew they were in the driver's seat as a major supplier of our energy requirements. The Zenith action eliminates five thousand American jobs. It is receiving a lot of publicity because it happens at a time when the country is very much concerned with unemployment figures.

One official, reporting to the President, stated profoundly; "It is to the nation's advantage for industry to switch from products where they're at a competitive disadvantage to those where they have a competitive advantage." There are millions of Americans looking for such opportunities day and night; some eager to enter business—some in highly successful businesses; others in business who are trying desperately to find a profitable item to replace current losses. There are many more people and countries around the world looking for chances to develop situations in which they have a competitive advantage in our market. They have the help of low interest loans from The World Bank and in some cases direct financial aid from our government.

Unfortunately for Americans, most of the situations described by the official relate either to:

A. Items that employ relatively few people (where style and ingenuity continue to enjoy well-paid popularity around the world).

B. Farming, where we are competitive in world markets (but not suffering for additional production).

C. The airplane and weapons manufacturing industry, where we have a competitive advantage because they are heavily subsidized by our government, which pays the extremely high cost of research and development of this highly sophisticated industry. At this time we don't believe there is a need for additional production and certainly hope not. Any major change would probably be one of distribution and not expansion.

Americans initiated the choice of a controlled economy at the bottom of the depression in the early 1930's. Today we regulate our minimum wage, our interest rates, use of our national resources, health standards, product performance and hundreds of other programs that add more cost to everything we produce. We hope most of these programs have contributed to a better life in America. But there is no way we can continue to absorb these additional costs to the production of life's necessities in this country and at the same time allow dumping from unregulated sources into our market or unrestrained imports from low-wage countries. Free trade can be practiced in free and unregulated markets or in markets where everyone is working under the same regulations, such as our American market. But there is no such thing as free trade in the world markets as they exist today. Each nation, no matter how it is labeled, seems to have a trade policy that is tailored to its benefit. Trade among nations is beneficial to all concerned and should be encouraged. We should share our markets with undeveloped and less fortunate neighbors, but not to the point where we become dependent on foreign sources for life's necessities and obliterate basic American industries. The millions of jobs they supply are the lifeblood of our economic survival. An unemployed American is not only a heavy drain on the economy but a poor customer for American-made as well as imported merchandise.

A TRIBUTE TO BIRD SUMNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MCDADE) is recognized for 10 minutes.

Mr. MCDADE. Mr. Speaker, recently the Robert Packer Hospital in Sayre, Pa., dedicated their new Guthrie Clinic, a significant forward step in making the Robert Packer Hospital an even more powerful force in the drive for better health care in northeastern Pennsylvania. At that ceremony, appropriate notice was taken of the many contributions of the former chairman of the board of trustees at Packer. Mr. Bird Sumner. That recognition took the form of the redesignation of the former clinic building as the Bird Sumner Administration Building. In doing so the friends and official family of the Robert Packer Hospital have recognized the tremendous accomplishments of one of its greatest supporters.

Bird Sumner, the 20th chairman of the board of trustees of the Robert Packer Hospital and the Robert Packer Hospital School of Nursing, passed away quietly on May 17 after an extended illness.

During Mr. Sumner's 23 years as a member of the board of trustees, he provided outstanding leadership during periods when the hospital faced many and varied challenges. As the years passed, decision which increased the services of the hospital were first challenged, then analyzed, but always enthusiastically supported by Mr. Sumner. His ability and willingness to face problems squarely and deal with them decisively has made an impact on the growth and development of this medical center which will be felt by generations yet unborn. Mr. Sumner dedicated his life to the betterment of health care for everyone and supported this ideal by giving untiringly and unselfishly of his time, services, and resources.

In November 1966, he was elected president and later chairman of the board, a position in which he assumed the leadership of the building fund drive for the Patterson Education Building. The completion of the medical center's new multimillion dollar hospital facility was spearheaded by Mr. Sumner's total commitment and dedication to excellence in patient care.

Born and educated in East Smithfield, Pa., he graduated from Sayre High School and the Wharton School of Business of the University of Pennsylvania. He served as a member, director and

organizer of many valley business firms, and in 1967 was honored as the valley's outstanding civic leader. During his 41 year insurance career, he became a chartered property casualty underwriter, and until his death was president of Bird Summer Agency, Athens, Pa.

Mr. Sumner, the loving and concerned husband of Helen, the devoted father of Beth, Sylvia, and Gary, an outstanding civic, church, community and fraternal leader, will be deeply missed by everyone touched by his life.

TRUTH-IN-LENDING SIMPLIFICATION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

Mr. CORCORAN of Illinois. Mr. Speaker, today I have joined my colleague. GARRY BROWN of Michigan, in cosponsoring a bill to simplify and improve the Truth-in-Lending Act. The need for improvement and simplification of the Truth-in-Lending Act, which became law in 1968, has been well documented by several congressional and agency studies, most notably the third report of the Committee on Government Operations, entitled the "Truth-in-Lending Act: Federal Banking Agency Enforcement and the Need for Statutory Reform."

Simplification of truth in lending means, first, benefits to consumers by reduction in the amount and complexity of information on the disclosure statement so that what is provided is more meaningful; second, benefits to creditors by making the content of the regulations which describe requirements for lenders more succinct, thereby facilitating compliance; third, better judicial enforcement by reducing litigation, especially where suits are based on technical violations which cause no actual injury; and fourth, better and easier administrative enforcement, including a reduction in the cost of that enforcement. All these goals must be pursued.

I noted recently that several of the agencies responsible for truth-in-lending enforcement issued a joint notice of proposed statement of enforcement policy. This inter-agency coordination is commendable; however, this joint statement contains reference to one of the continuing truth-in-lending problems, that of having to deal with both substantive and hypertechnical violations. It states, "It is administratively impossible to fashion an appropriate remedy for every type of violation." This is one area in which congressional action to simplify the act can contribute greatly.

The key points of the Brown-Corcoran bill are:

Substantial simplification of the disclosures required on a truth-in-lending form, limiting the provisions to those that actually affect comparative credit shopping.

Limit on creditors' civil liability to only major substantive violations of the Truth-in-Lending Act.

Enhanced administrative enforcement through civil penalties and cease and desist orders by agencies, including clarification of the authority to require restitution in cases no more than 1 year old.

Provisions for creditors to correct errors in truth-in-lending statements within 30 days of discovery, with restitution of overchargers.

Provisions for the Federal Reserve Board to issue model forms and clauses, protection for creditors from liability for reliance on such forms and clauses or Federal Reserve Board interpretations, and a limitation on civil liability in cases of substantial compliance. I hope that this bill will receive quick action by the House Banking, Finance, and Urban Affairs Committee in order that it might solve some of the serious problems caused by the Truth-in-Lending Act.

SECRETARY ADAMS' DECISION ON LOCATION OF AMTRAK HEAVY EQUIPMENT REPAIR FACILITY BASED ON FACTS, NOT POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. EVANS) is recognized for 5 minutes.

Mr. EVANS of Delaware. Mr. Speaker, on November 2, I brought to the attention of the House, the pending decision by Secretary of Transportation Brock Adams regarding the location of the Amtrak heavy equipment repair facility for the Northeast Corridor. At that time, I, along with other Members of the House from the Delaware Valley area expressed concern regarding the political implications of the decision which faced the Secretary, namely, to locate the facility in Wilmington, Del., or build a new facility in Readville, Mass.

I am pleased to inform the House that the Secretary of Transportation, in a November 21 news conference indicated that no new facility would be built in Readville, thus insuring a continuing operation in Wilmington. For the past several months, 700 families have anxiously awaited that decision, and I can tell you that because of the Secretary's announcement, their Thanksgiving was far more enjoyable than any had expected it to be.

As I said before, I was confident that if the decision was made on merit and not politics, Wilmington would come out ahead. That decision has been made, and it has obviously been made on the basis of the facts. I want to commend both President Carter and Secretary Adams for this courageous decision, and I also want to express my deep gratitude to the many Members of Congress, including Congresmen BAUMAN, EDGAR, FLORIO, HUGHES, KOSTMAYER, LEDERER, SCHULZE, and SHUSTER for their help and assistance in this matter which affects the entire Delaware-Pennsylvania-New Jersey-Maryland region. My special thanks also go out to the entire Pennsylvania delegation for their very effective letter to the Secretary on this crucial matter.

I am convinced that the bipartisan effort by all of us on this matter brought to public light this crucial decision and insured that it was made on the basis of facts and not politics.

PROBLEMS OF VIETNAM-ERA VETERANS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I have become increasingly concerned with the many problems our Vietnam-era veterans are having in utilizing the benefits that were promised to them. I have received many letters from men and women who have served in the various service branches who advise me that they did not know of the benefits they were entitled to, or for various reasons, were unable to take advantage of them in the time limits established.

I realize, of course, that we cannot extend benefits indefinitely, but I do feel that we should offer these veterans every opportunity to use them. I am specifically referring to the delimiting date for using the GI bill. It is unfortunate that the major tool to help the veteran get ahead has a deadline, but, as the Veterans' Affairs Committee has pointed out, it would be too costly to change this. So today I am proposing a bill that would establish a low-interest loan program for veterans who, for whatever reason, were unable to take advantage of the GI bill. Since the loans would have to be repaid, cost would not be a factor. Loans do now exist for veterans within the delimiting period and my bill would extend it to those who have passed this date.

The rate of the loan would be the same as the lowest prevailing rates for Federal educational loans available from HEW, which is currently 7 percent. The terms for repayment would be negotiated, but the limit would be 10 years and the terms would be based on the veteran's assets and income.

Those eligible for this loan program would be veterans who served from August 4, 1964, to May 7, 1975, and, of course, did not use up their GI bill. There would be a formula to determine the amount of the loan, and a veteran could be eligible for a loan for a maximum of 45 months. If a veteran has not used any of his GI bill, he would be entitled to a loan for the entire period times the rate he would be entitled to based on dependents. For those who had used part of their GI bill, their loan would be for 45 months times the appropriate rate minus the amount which had already been used. In this way, no veteran would be eligible for more than he would have received if his delimiting date had not expired.

The official dates of the Vietnam conflict were 1964–75, so these dates are used to be sure to include anyone who served during this conflict. These men and women who served in America's most unpopular war deserve an extra helping hand as they find themselves unable to locate employment because of our current economic situation. This loan

program will give them an extra opportunity to achieve their goals. This is the least we can do for those who willingly gave so much for their country.

TEXAS VOTERS CONDUCT EFT MARKET SURVEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, for more than a year I have pointed out that many financial institutions across the country are rushing into electronic funds transfer systems, the so-called electronic banking or cashless society, without conducting market surveys to determine whether or not consumers want this new type of banking.

As chairman of the Consumer Affairs Subcommittee, I have found that there is little interest in EFTS and, in fact, many consumers are deeply concerned about the security, privacy, and consumer protection of EFTS.

For those financial institutions that have not done market surveys, they should look closely at the results of a vote on a constitutional amendment in Texas earlier this month. The voters of that State rejected by a 62 to 38 percent margin a proposed constitutional amendment that would have allowed banks to have off-premise EFT facilities. In commenting about the outcome of the vote, Samuel Kimberlin, Jr., executive vice president, Texas Bankers Association, noted that, "If people did not vote for EFT, they are not going to use it." The financial community has hailed EFT as the greatest invention since sliced bread and Monday night football, but while consumers still love tasty sandwiches and Dandy Don and his friends, they have shown no interest in EFT.

The Texas vote should cause many financial institutions to take a closer look at EFT before spending millions of dollars on a program that will not work.

FOUNTAIN SUBCOMMITTEE INVESTIGATES MANAGEMENT OF FEDERAL HEALTH RESEARCH GRANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FOUNTAIN) is recognized for 5 minutes.

Mr. FOUNTAIN. Mr. Speaker, questions have been raised recently about the manner in which universities and other institutions that receive Federal grants and contracts for the support of research are supervising the expenditure of these funds. In this connection, recent investigations made by Federal auditors in response to specific complaints have documented the misuse of research money, as well as poor accountability practices, at a number of institutions including Harvard and Georgetown Universities and the Eppley Institute.

Mr. Speaker, I find these reports very disturbing. The Intergovernmental Relations and Human Resources Subcommittee, which I chair, studied the administration of NIH's health research programs very intensively during the 1960's and made a series of recommendations for improving efficiency and accountability in this very important area. The recent audit disclosures are particularly disturbing because they suggest that the management reforms instituted as a result of the subcommittee's work may not have endured.

In order to determine the extent of this problem, the subcommittee plans to follow up on its earlier work. This will involve both a review of Federal agency management practices and the role of recipient institutions in assuring that Federal funds are used properly for their intended purposes. In this latter connection, I have asked the Comptroller General and the Director of the HEW Audit Agency to work closely with the subcommittee in the design of institutional audits. Our study of NIH grant management, I should note, is actually an extension of the subcommittee's ongoing review of the national cancer program.

Mr. Speaker, the November 25 issue of the prestigious publication Science contains a very informative and perceptive article by Deborah Shapley on the subject of research management in universities and other institutions that receive Federal support. I am appending her article for the information of my colleagues:

RESEARCH MANAGEMENT SCANDALS PROVOKE QUERIES IN WASHINGTON

The world of federal grants and contracts to universities, hospitals, and other research institutions, long thought to be self-regulating, is coming under intense scrutiny in Washington these days. An increasing number of government agencies, from Congress' General Accounting Office (GAO) to various elements of the Department of Health, Education, and Welfare, including the National Institutes of Health (NIH), are looking at how government research funds are actually spent at recipient institutions. The activities under examination range from out-and-out fraud to routine fudging of accounts, a practice that violates federal rules but that seems, nonetheless, to be common.

So, more and more congressional staffers and Executive Branch officials are learning the not-too-thrilling details of "time and effort reporting" and "monthly certification" and other features of the current system of managing federal funds for science. Rules and practice, however, diverge often enough that one official likens such study to "playing with Jello." But he and other officials, such as Representative L. H. Fountain (D-N.C.), are deeply concerned that this morass may conceal violations of peer review, not to mention strict accounting procedures.

Fountain's alarm is an important bellwether, because, as chairman of a Government Operations Committee subcommittee, he launched in the 1960's one of the most thorough and probing investigations Congress has ever made of how research moneys, particularly those of the NIH, are spent. His committee found considerable waste and mismanagement at that time and developed revised procedures aimed at cleaning things up. But recently Fountain told Science, "I am concerned that the reforms we accomplished in the 1960's may not have endured." The subcommittee's belief that granting institutions, together with government audits, have been adequately policing the system "may be illusory." Fountain says his staff is undertaking a major follow-up of its earlier work.

The issue has surfaced in the last year in Washington largely because of two incidents. One occurred at Harvard (Science, 23 September) and involved Phin Cohen, an assistant professor of nutrition who alleged that he had been made to sign blank forms vouching for how his NIH grant moneys had been spent, while the Department of Nutrition at the School of Public Health filled them in with unrelated items and forwarded them to the government. Not only did NIH investigators find the Cohen allegations true, but they found serious accounting problems in two other Harvard grants that they examined. NIH asked Harvard to pay back $132,349 to compensate for misspending on all the grants. HEW auditors are now beginning an audit of all federal funds—which total some $400 million—Harvard receives.

The second incident, which may have aroused the Secretary of HEW, involved the Eppley Institute in Omaha, Nebraska, which has received more than $18 million in funds from the National Cancer Institute to test chemicals for carcinogenicity. According to GAO investigators, whose report is about to be published, between 1973 and 1976 Eppley's contracts with NCI have been extended without using normal procedures. For example, some 11 projects, some of which had already begun, were approved with only a verbal say-so from NCI. Moreover, some 50,000 laboratory animals, bred at a cost of $1.75 apiece, turned out not to be employed in Eppley's research and apparently were destroyed. Finally, some of the equipment, materials, and animals the government paid for were used for Eppley's industrial research contracts according to GAO. The Eppley situation has suggested to several observers that some bending of the rules has been overlooked by NCI officials, because Eppley's director is Philippe Shubick, a member of the President's National Cancer Advisory Board, which has oversight responsibilities for the NCI.

[Eppley's Associate Director, Phillip Issenberg, told Science that Eppley had always "done what we were told to do by NCI" in renewing its contract. As for the 11 projects, "We did not have the good sense to put their response in writing." The misuse of equipment was minimal, he said, and the animals destroyed for good reasons. But he admitted that Eppley could have been more careful in having bred 78,000 animals of which only 27,000 were used in experiments. Eppley's NCI contract is currently up for renewal.]

It should be noted that no one is alleging—even in the most serious cases discovered so far—that scientists are using federal grant and contract moneys to buy mink coats, yachts, or private jets. But a number of important officials and groups are asking whether research funds are actually used the way that Congress and the Executive Branch think they are. Among the current inquiries are the following:

Representative Fountain's Subcommittee on Intergovernmental Relations and Human Resources plans to follow up its earlier investigation by looking at, in Fountain's words, "the quality and effectiveness of research grant administration, including peer review," for the research supported by NIH, HEW, the Department of Agriculture, and the National Science Foundation. Fountain says he will hold hearings "in the first half" of 1978, but he has already asked the GAO to gather information on grant and contract management practices in the course of its other investigations of university and research institution matters. GAO, also at Fountain's request, is beginning an examination of how research funds have been spent

at a single school, in this case the University of Rochester Medical Center. Fountain happened to pick Rochester because it receives support from several federal agencies and because recent federal audits of the school appeared inadequate.

In an unusual move, HEW Secretary Joseph Califano has ordered the HEW Audit Agency to review all NCI contract awards, a review which is now under way and which is also of interest to the Fountain subcommittee, because it has been reviewing NCI's programs.

Califano also issued a directive on 18 May "aimed at eliminating waste, abuse, and mismanagement" from HEW's vast grant and contracts budget which totals $7 billion. The directive followed some ad hoc investigations by the office of the assistant secretary for management. It includes NIH which has only $2 billion of HEW's total grants and contracts budget.

The directive requires even, quarterly distribution of funds to end the "bunching" of funds distribution in the last month of the fiscal year, stricter accounting on sole source contracts, more training for contract officers, and other changes in departmental procedures.

The GAO has just published a self-initiated review of the adequacy of HEW's audits, including its auditing of research money. High-level HEW and NIH officials all rely on HEW's auditors to inform them of what is really going on out in the research institutions where the money is spent. But it is obvious, as GAO has concluded, that HEW's group of auditors is inadequate to the task. According to previously published GAO figures, HEW in fiscal 1976, had only 937 auditors to ferret out problems in the spending of a departmental budget of $128 billion.[1] (The Department of Defense, by comparison, has more than 6200 auditors looking after expenditures of $93 billion.) One question the new GAO study has asked is whether the types of audits performed in the past by HEW have been likely to turn up the sort of problems that have come to light at Harvard and Eppley. The answer seems to be that the auditors have been so busy looking at systemwide aspects of an institution's accounting that they rarely learn the fate of moneys awarded to a single investigator, such as Phin Cohen.

The Office of Management and Budget (OMB) of the White House has been reviewing the inconsistencies in the rules which different federal agencies promulgate in requiring accounting for their money from colleges, universities, and other research institutions. OMB is reviewing suggestions from HEW as well as the universities, represented by a committee of the National Association of College and University Business Officers (NACUBO).

Finally, NIH's 13-member internal investigative unit, bearing the innocuous title of Division of Management Survey and Review (DMSR) continues to look into allegations (received from higher-ups, program officers, and even anonymous letters) of wrongdoing and fraud in the spending of NIH money. The DMSR was the group that investigated the Harvard scandal. It also made a major investigation of another scandal in which a scientist, Leonard Hayflick, allegedly sold human cell cultures developed with federal support to other groups and institutions at a profit of $67,000, and he also held sales contracts potentially worth $1 million (*Science*, 9 April 1976).

[1] HEW supplements its own audit staff by contracting out for an additional 2000 man-years of work every year. This brings its total audit staff capability to approximately 3000, which is still half of the number of auditors available to the Defense Department.

Like any police file, many DMSR reports (which are available under the Freedom of Information Act) make for chilling reading. Others obviously exonerate researchers or their institutions from charges. But the range of problems which the DMSR turns up is probably significant.

One case involved the American Institutes for Research (AIR), in Washington, D.C., a nonprofit organization that does behavioral and social science research. An AIR single investigator was responsible for a 5-year grant totaling some $200,000 from the National Institute of Mental Health for work on abortion and unwanted children. He also received support from the National Institute of Child Health and Human Development and the Ford Foundation. According to the DMSR report, the investigator falsified invoices to the government to payments for consultants for the project who were in Czechoslovakia and who allegedly would be persecuted by their government if they were paid directly.

But instead of forwarding the payments to the consultants, the investigator deposited them in bank accounts in Prague, Geneva, Bethesda, Maryland, and Washington, D.C., until they totaled more than $100,000 and had earned approximately $12,000 in interest. DMSR, as it does in such cases, referred the matter to law enforcement authorities and the Internal Revenue Service.

Now, 2 years after the first DMSR report on the matter, the investigator has convinced the authorities that the consultants really existed and did work on the study. The U.S. District Court of the District of Columbia has approved a trust agreement for the disposal of the money to any Czechs who can be proved to have earned it. AIR, which discovered the problem in the first place and brought it to the government's attention, also fired the investigator.

Another case involved two researchers at Brandeis University who got a grant from the National Institute of General Medical Sciences. Afterwards, the DMSR alleged, the researchers departed for Israel, and apparently took with them some $6000 worth of equipment bought with NIGMS funds. The DMSR recommended that the cost of the equipment and part of their salaries be repaid to the government.

Other DMSR reports discuss situations in which institutions submitted identical applications to different parts of NIH, or investigators charged their salaries to the wrong accounts, and other cases caused as much by snarled red tape as by deliberate intent to monkey with the system.

RECORDS ROUTINELY FALSIFIED

One question which officials in the GAO, HEW Audit Agency, and DMSR are asking themselves these days is how typical are cases of outright fraud. Admits the Deputy Director of NIH, Thomas E. Malone, "I personally don't know what's going on out there. I have to rely on the reports we get from our auditors. I don't have personal knowledge of widespread abuse," Malone told Science. "But if there is a belief that there is widespread abuse then the burden is on us to get to the truth of the matter."

But while searching for the truth about fraud, officials may stumble on a less glamorous, but probably very common practice, namely, the "pooling" of funds from different grant and contract accounts, and charging of salaries, equipment, and materials to whatever account has plenty of money at any given time. In audits and other federal reports, the practice shows up in a variety of guises: as "late fund transfers," poor "time and effort reporting," or "inaccurate monthly certification." There seems to be some consensus among government auditors and investigators that this practice is widespread, violates federal guidelines, and involves, ultimately, the spending of taxpayers' money for other than the originally intended purposes. As such, the problem of pooling may become as big an issue as the Harvard or Eppley incidents in the forthcoming Washington investigations.

What happens is this. A researcher applies for a grant—often for several grants—and accompanies each proposal with specific statements about the staff time, equipment, and percentage of his or her own time that will be allocated to the project. The grant application is reviewed by the researcher's peers on the same assumption, namely, that the project is a discrete entity and will be performed as stated in the project plan. An OMB regulation—known to the cognoscenti as FMC 73-8J-7(d)—requires that the investigator certify after the fact, on a monthly basis, how the money was actually spent. There is also a requirement that the institution which employs the researcher file annual reports of expenditures containing similar information. And in the vast majority of cases, the investigator, and his institution, certify that the money was spent in accord with the original research plan. So the system runs along, ostensibly smoothly, with everything properly accounted for.

But what sometimes really happens is that the scientist is juggling his time among several different grants and contracts, not to mention teaching, administration, travel, and in some cases, patient care. So are his colleagues, technicians, and students. The result is that his own operation, as well as the larger entity in which he works—be it his laboratory, department, school, or hospital—resembles a many-ringed circus, with myriad activities going on simultaneously.

The financing of and accounting for these activities is equally complex, and even obscure. Money starts and stops coming in to the department, or laboratory, at irregular intervals. Some accounts are fat with extra funds; others are lean considering the work they are supposed to support. Sometimes a project's funds arrive at the university right when the work begins; often, however, the funds arrive months after work has started.

So the scientist, if he also acts as the administrator of several such grants and contracts, or his department head, or his departmental business officer, resorts to the practice of charging salaries, supplies, equipment, and other things to whichever accounts seem most convenient at the time. This is done, people say, regardless of whether the costs were incurred for the account charged.

Finally, to make life simple again, the scientist, or the business officer, or whoever handles the accounts, certifies to the government in the monthly statements (which are meant to be signed by someone with direct knowledge of the project's progress but often are not) that the money is being spent in accordance with the original project plan. This then, is the practice called pooling by which institutions gain some freedom from government accounting rules but still keep relations with their federal sponsors running swimmingly.

Following up on descriptions of this practice by government auditors and investigators—who generally referred to it as their biggest problem and even claimed it might occur in 50 to 70 percent of *all* government research grants and contracts—*Science* contacted three senior principal investigators. One was the director of a major university laboratory; another had participated in biomedical work at two prominent university teaching hospitals. A third was a history professor at a leading East Coast institution. All of them admitted that such pooling and shuffling of funds among accounts was common practice. One even ventured that some-

times as a result, a project can be so deprived of money that the work it was to support never gets done!

LAWBREAKING OR NEEDED LEEWAY?

Opinions on the significance of this practice vary depending on whom one talks to. A high OMB official was angry on learning that both auditors and scientists say the practice is widespread. "Any false certification to the federal government about the expenditure of federal funds is inexcusable," he said. "That amounts to making false claims to the government for funds, and there are statutes that punish it." But he admitted that the certification rule, FMC 73-8J-7(d), leaves enforcement up to the agency that sponsors the research.

By contrast, a veteran program officer at NIH defended aspects of the practice as it applies to grants. He noted the long belief on the part of researchers, and of some people in government, that a grant is a gift, and that strings attached to how grant money should be spent should be loose.

This official warned that "business-oriented officers" in NIH, however, might not be sympathetic to such practices.

Fountain, while not commenting on pooling as such, stated that any application of funds for purposes other than the approved project undermines peer review. He told Science:

"There is an important basic connection between the peer review process for selecting research projects and the proper use of research funds within grantee institutions. If grant money is spent for purposes that are outside the approved project, the integrity of the peer review process is undermined and further, unsuccessful grant applicants may not have received equitable treatment."

A third, and highly significant reaction was that of the principal investigators themselves, who complained bitterly that they were teachers and thinkers, not CPA's. "There is an enormous mismatch between federal policy and university habits here," explained one. "We in universities can't say whether we have spent twenty-two and one-half percent of our time on this or that. Yet the government is trying to buy research the way it buys missiles, or the way you buy safety pins or diapers."

Federal auditors are well aware of this attitude, and say they have been hearing such protests for 10 years and more. Says one experienced audit official: "There has never really been a meeting of minds between the federal government and the academic community, the professional staff who manage the funds, as to what . . . they commit themselves to provide in return for research support. The academic community looks upon the effort to identify the amounts of effort spent on each contract and grant as so much unwanted interference."

It is doubtless true that there are some time-honored questions here concerning proper accountability relationships between the federal government and academic science. But in coming months, it looks as though Congress and some "business-oriented" executives of the federal government will be looking at the question of accountability in its most literal sense.

PARTY TO CHEER DISABLED AND NEEDY CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 5 minutes.

Mr. ADDABBO. Mr. Speaker, for years one of the New York area's most beloved newspaper columnists has been sponsoring a Thanksgiving party for homeless, handicapped, and needy children. This year, New York News columnist Walter Kaner celebrated his 25th annual party for the needy tots. Everyone had a good time, as usual, and no one enjoyed the good deed more than Walter. To me, he expresses much of what is good about New York, and I would think my colleagues would benefit from reading about him. I insert the newspaper article of November 20 into the RECORD.

PARTY TO CHEER DISABLED AND NEEDY CHILDREN

Some 700 homeless, handicapped and needy children are happily looking forward to this Tuesday when they will attend the 25th annual Thanksgiving party sponsored by News columnist Walter Kaner.

The party will be held from Noon to 4 p.m. at Antun's in Queens Village for youngsters from more than 20 hospitals, orphanages and health and welfare agencies in a five-county area.

The youngsters, many in wheelchairs and on crutches, will be presented with toys, party hats, games, balloons, comic books and other gifts. In addition the children will be treated to hot dogs, hamburgers, soft drinks, ice cream, cotton candy, fruit and cookies.

Long Island business firms are helping making it a joyous day for the children by donating the gifts and refreshments.

During the party the youngsters will be entertained with a two hour show featuring popular children's performers. Two bands will also provide continuous music.

On hand to entertain the youngsters will be television clown Ronald McDonald; "Cowboy Joe" Phillips of Lake Ronkonkoma with his gun tricks and performing dogs; "The Magic Clown" portrayed by Doug Anderson, Garden City magacian; Jay Green, juggler and unicyclist: "Pete the Tramp" played by Peter Kazlaukas of Glendale; and clowns from the Shriners Kismet Temple in New Hyde Park.

A jovial Santa Claus, in the person of Lucky Squires of Ridgewood, will welcome the youngsters and present them with gifts. Music will be provided by Dinney Dinofer and the Noblemen Orchestra and Vince Mondi and his one-man band.

The ballroom will be decorated with a colorful Thanksgiving setting by Gertz Department Store and a large Christmas tree decorated by Frank Lazzaro of Richmond Hill will be on display.

Mrs. Beverly Weintraub of Floral Park is serving as party chairlady, as she has for more than 20 years. Assisting her are Saul Saveth of Bayside, Billie Eliot of Rego Park, Mary Winters of Cedarhurst, Betty Banks of Jackson Heights and Dan Hofmann of Antun's staff.

Approximately 100 volunteers, including members of the Knights of Pythias, Montessori Lodge, and students from Archbishop Malloy High School, will assist at the party. Volunteers will be at Antun's tomorrow night preparing for the party and setting up a floor-to-ceiling display of toys.

During the past 25 years, Kaner has entertained more than 57,000 children at his parties. The columnist, who also states a summer outing to Rockaways Playland amusement park, has been cited by more than 25 organizations for his efforts in behalf of children.

Among those contributing toys for the party are the Ideal Toy Co. of Hollis, Aurora Plastics of Hempstead, the N. Telephone Co., Retail Food Clerk's Union. Local 1500: International Production, Service and Sales Employees Union, Uneeda Doll Co. and Mego Toys.

Comic books and children's books are being donated by the Marvel Comics Group and Dell Publishing Co. while balloons, buttons and novelties are being provided by Columbia Advertising of Jamaica and the Toy Balloon Company. Party hats are being contributed by the B C Advertising Corp. of Hewlett.

Pathmark Supermarkets, the Royal Lancer Restaurant, Lake Success, and Marathon Enterprises and Concourse Provisions are providing hot dogs and hamburgers for the party with soft drinks donated by Pepsi-Cola Metropolitan Bottling Co. of Long Island City.

Ice cream is being provided by the Sedutto Ice Cream Co., Staten Island with potato chips and pretzels donated by the Lorenz-Schneider Co., New Hyde Park. Candy is being supplied by Barrinini Candy Co. and Irving Schlein of Jamaica Estates with the ITT Continental Baking Co. contributing Twinkies and party novelties.

Andrew Woskiwiak of Howard Beach will be present with his cotton candy machine, there will be bubble gum of the kinds donated by James Pasta of Woodhaven and party goods and favors donated by Thermo-Form Plastics.

Also contributing to help stage the party are Jerry Fox of Pathmark Supermarkets, Stanley Shapiro of the Royal Lancer Restaurant, Robert Roberts of Flushing, the King Broder Talent Agency, Sidney Spielfogel of Inter-State Cigar Corp. and Frank and John Antun who donate the party site facilities.

Music for the party is provided through courtesy of the Music Performance Trust Fund of Local 802, American Federation of Musicians.

LEGISLATION TO CREATE THE INDIAN PEAKS WILDERNESS AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

Mr. WIRTH. Mr. Speaker, on November 8, 1977, I introduced the following bill which I wish to include in the RECORD for the purpose of informing my colleagues as to its substance.

H.R. 10068

A bill to create the Indian Peaks Wilderness Area in the Arapaho and Roosevelt National Forests in Colorado and to authorize the Secretary of the Interior to study the feasibility of revising the boundaries of the Rocky Mountain National Park

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an area of land within the Arapaho and Roosevelt National Forests in Colorado comprising approximately seventy-four thousand eight hundred and fifty acres (as generally depicted on a map entitled "Proposed Indian Peaks Wilderness Area and Proposed Study Area Boundaries for Rocky Mountain National Park", dated July 17, 1977) is hereby designated for purposes of the Wilderness Act (16 U.S.C. 1131-1136) as a wilderness area and shall be known as the Indian Peaks Wilderness Area.

SEC. 2. The Congress finds and declares that it is in the national interest that the Indian Peaks area be designated as wilderness within the National Wilderness Preservation System, in order to preserve this area as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific multiple values for watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research and educational use primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the Ameri-

can people of present and future generations.

SEC. 3. As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Indian Peaks Wilderness Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives and such description shall have the same force and effect as if included in this Act, except that correction of any clerical or typographical errors in such map and description may be made. Such map and description and the map referred to in the first section of the Act shall be on file and made available for public inspection in the office of the Chief of the Forest Service of the Department of Agriculture.

SEC. 4. The Indian Peaks Wilderness Area shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 5. (a) The Secretary of the Interior (hereinafter referred to in this section as the "Secretary") shall make a comprehensive study evaluating the feasibility and desirability of revising the boundaries of Rocky Mountain National Park to include the Indian Peaks Wilderness established by the first section of this Act and all or part of additional areas designated as "park study" on the map described in the first section of this Act.

(b) The Secretary shall submit to the President and Congress no later than two years after the date of enactment of this Act a report of his findings and recommendations accompanied by—

(1) a plan for the administration of the park study area, including the Indian Peaks Wilderness, indicating proposed boundaries, access or other roads, visitor facilities if any, and proposed management options applicable to the area and their impact on the factors listed in subsection (c) of this section;

(2) a statement of the estimated Federal cost for acquisition, development, and operation of such area;

(3) a coordinated study plan developed after consultations with the Forest Service of the Department of Agriculture regarding compatible management of adjacent Federal lands including assessment of offsite transportation, economic, and social impacts on landowners and local governments; and

(4) proposed legislation for establishment of such revised park boundaries.

(c) Both the Secretary's findings and conclusions regarding revision of the boundaries of Rocky Mountain National Park and the plan for administering that area shall be developed after consultations with the Forest Service of the Department of Agriculture, and with State and local political subdivisions which may be affected, and shall take into consideration, at a minimum, the following:

(1) environmental preservation of the area;

(2) State and local economies;

(3) the natural, historical, cultural, scenic, and geologic environment;

(4) the management and protection of fish and wildlife habitats and resources;

(5) the management of timber, grazing, mineral, and other commercial activities;

(6) the occupancy of existing homesites, campsites, commercial and public recreation enterprises, and other privately owned properties and their future development;

(7) the environmental impact on counties and local communities; and

(8) the interrelation between recreation areas, wilderness areas, forest and parklands.

(d) There are hereby authorized to be appropriated not more than $100,000 in the fiscal year ending September 30, 1979, and $100,000 in the fiscal year ending September 30, 1980, to carry out the provisions of this section. The Secretary may use up to 10 per centum of the funds authorized to be appropriated to support local participation in the preparation of the study and plan.

A TRIBUTE TO SENATOR JOHN L. McCLELLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey, (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, in the House and of course in the other body, and on both sides of the aisle, the passing of Senator McCLELLAN has left a deep, shared sense of loss.

The Senator from Arkansas and I, of course, could differ profoundly on many issues of common concern, but the Senator was always a man of grace, a man of wisdom, and a man of decency.

It was my privilege to work very closely with the Senator on numerous occasions and I had come to regard our relationship as a special one and in many ways a very personal one. Mr. Speaker, the Senator's impact on the development of Federal statutory law, of course, is enormous and will continue to be felt in the years ahead. But it is the personal loss, the loss of a decent gentleman that we mourn today.

To Senator McCLELLAN's wife and to his family, I wish to extend my deepest personal sympathies.

CONVEYANCE OF TITLE AND OWNERSHIP OF CERTAIN NATIONAL FOREST LANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming (Mr. RONCALIO) is recognized for 5 minutes.

Mr. RONCALIO. Mr. Speaker, in 1949, Ben Boschetto, Sr., purchased a small parcel of land in the Hoback Canyon, Sublette County, Wyo.; and began to make improvements on that land. He paid taxes on the entire 3 acres and when his son, Ben Boschetto, Jr., inherited the land, he in turn continued payment of those taxes on a full 3 acres.

Ben Boschetto, Jr., had the land surveyed in 1974 and learned, for the first time, that the legal description of ownership only covers 0.42 acres; and the balance of that property belongs to the U.S. Forest Service. Prior to learning of the legal description, his father had constructed a fence surrounding the 1.27 acres of land with improvements on it.

Today I am introducing a bill which would direct the Secretary of Agriculture to sell to Mr. Boschetto the remaining 2.58 acres not legally owned by him, but which he has improved and on which he has paid taxes.

Mr. Boschetto is willing to pay a reasonable sum to have title to the land, and I ask my colleagues to look favorably on this legislation so that he can finally be allowed to acquire this property. He has tried to do so administratively, but attempts have failed.

THE STATUS OF THE CONGRESSIONAL BUDGET FOR FISCAL YEAR 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 5 minutes.

Mr. GIAIMO. Mr. Speaker, as called for in the Congressional Budget Act, the House Budget Committee has notified the Speaker of the House on the status of the fiscal year 1978 congressional budget. A copy of my letter to the Speaker and the committee's report are attached at the end of these remarks. I would like to inform my colleagues of the House how the Congress stands with regard to the budget resolution it adopted on September 15.

Since my previous report to the House on November 15, the Office of Management and Budget has released its reestimates of spending for fiscal year 1978. This revision takes into account the most recent information on the economy as it affects the spending rate of Federal programs as well as data made available at the close of fiscal year 1977. Upon receipt of this information from OMB, the CBO and the Budget Committees reviewed these reestimates and have now made the necessary adjustments to the current level of spending.

Therefore, the current level for budget authority, $485 billion, reflects an increase of about $1.3 billion since my last report to the House. This amount is approximately $15 billion less than the appropriate level for budget authority as specified in the second resolution. With regard to outlays, the net effect of reestimates has been a decrease of about $3 billion, resulting in the current level of $454.7 billion. This leaves a margin of $3.5 billion within the outlay limit of the second budget resolution.

Thank you, Mr. Speaker.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., November 29, 1977.

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

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedures which it had adopted in connection with its responsibilities under Sec. 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. I am herewith transmitting the status report under H. Con. Res. 341, the Second Budget Resolution for fiscal year 1978. This report reflects the resolution of September 15, 1977, estimates of budget authority, outlays and revenues revised through November 28, 1977, and all completed action on spending and revenues measures as of close of legislative business, November 4, 1977.

Sincerely,

ROBERT N. GIAIMO,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1978 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 341—REFLECTING COMPLETED ACTION AS OF NOVEMBER 28, 1977

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	500,100	458,250	397,000
Current level	485,148	454,727	398,068
Amount remaining	14,952	3,523	1,068

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $14,952 million for fiscal year 1978, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 341 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $3,523 million for fiscal year 1978, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 341 to be exceeded.

REVENUES

Any measure that would result in a revenue loss exceeding $1,068 million for fiscal year 1978, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 341.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., November 23, 1977.

Hon. ROBERT N. GIAIMO,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for these items contained in the most recently agreed to concurrent resolution on the 1978 budget.

This report revises my last report, as of November 4, 1977, to reflect reestimates recently developed from review of the 1977 actual budget outcome and the President's November budget revisions. These reestimates result in a net increase in budget authority or $1,286 million and a net decrease of $3,066 million in outlays. The report has also been adjusted to show changes in the status of eleven bills signed into public law since November 4.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	426,381	412,838	398,068
2. Entitlement authority and other mandatory items requiring further appropriation action.	5,184	5,152	
3. Continuing resolution authority.	53,583	36,737	
4. Conference agreements ratified by both Houses.			
Current level	485,148	454,727	398,068
Second Concurrent Resolution	500,100	458,250	397,000
Amount remaining:			
Under ceiling	14,952	3,523	
Over floor			1,068

Sincerely,

ALICE M. RIVLIN,
Director.

PARLIAMENTARIAN STATUS REPORT SUPPORTING DETAIL FISCAL YEAR 1978 AS OF CLOSE OF BUSINESS NOV. 4, 1977 (REESTIMATED).

[In millions]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	$234,727	$219,555
Outlays from balances of prior-year authority associated with appropriation bills not yet included in the enacted category of the Parliamentarian report:		
District of Columbia		51
Labor-HEW		26,339
Offsetting receipts (including amounts generated by current appropriation action)	−52,615	−52,615
Enacted this session:		
Agriculture (Public Law 95-97)	12,749	13,479
Interior (Public Law 95-74)	9,979	8,719
Legislative (Public Law 95-94)	990	1,054
Military Construction (Public Law 95-101)	2,978	3,567
Public works (Public Law 95-95-96)	10,294	9,320
State-justice (Public Law 95-86)	7,709	10,671
Treasury (Public Law 95-81)	7,748	7,584
Transportation (Public Law 95-85)	6,197	16,032
Defense (Public Law 95-111)	109,753	99,206
HUD-independent agencies (Public Law 95-119)	69,371	44,486
Foreigh assistance (Public Law 95-148)	6,773	5,251
Other spending legislation:		
Emergency unemployment benefits extension (Public Law 95-197)		215
Food and Agriculture Act of 1977 (Public Law 95-113)		939
Deny veterans benefits to certain individuals with upgraded discharges (Public Law 95-126)		−31
Increased disaster payments for certain crops (Public Law 95-156)		29
3d budget rescission bill, fiscal 1977 (Public Law 95-186)		−10
Oregon Forest System (Public Law 95-200)	−2	−2
Total, enacted	426,381	412,838
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Function 050:		
Retired pay (anticipated supplemental)	93	93
Department of Defense, civilian and military pay (anticipated supplemental)	2,673	2,593
Function 350: Federal Crop Insurance Corporation authority (Public Law 95-181) (anticipated supplemental)	22	22
Function 500: Child care services (Public Law 95-171) (anticipated supplemental)	20	200
Function 600: Child nutrition (Public Law 95-171) (anticipated supplemental)	28	25
Function 700:		
Veterans Disability and Survivor Benefits Act (Public Law 95-117) (anticipated supplemental)	363	335
Veterans pension benefits increase (H.R. 7345) (anticipated supplemental)	129	114
Veterans education benefits (Public Law 95-202) (anticipated supplemental)	546	546
Function 800:		
Payment to civil service retirement and disability trust fund (anticipated supplemental)	319	319
Offsetting receipts	−319	−319
Function 920: Civilian agency pay raise (anticipated supplemental)	1,131	1,224
Total, entitlement authority	5,184	5,152
III. Continuing resolution authority:		
Continuing resolution (Public Law 95-165):		
Labor, HEW Appropriations; conference agreement on H.R. 7555	60,017	43,432
Offsetting receipts	−8,205	−8,205
District of Columbia	371	351
Small Business Administration, disaster loan fund; level in Senate passed (H.R. 9375)	1,400	1,159
Total, continuing resolution authority	53,583	36,737
IV. Conference agreements ratified by both Houses		
Total current level, as of Nov. 4, 1977 (reestimated)	485,148	454,727
Current resolution of Sept. 15, 1977	500,100	458,250
Amount remaining:		
Over ceiling		
Under ceiling	14,952	3,523

REINTRODUCTION OF CONCURRENT RESOLUTION TO ASSURE EQUAL ACCESS TO QUALITY HEALTH CARE IN RURAL AREAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I am today reintroducing, with 38 cosponsors, my concurrent resolution expressing the sense of the Congress that HEW's recently published proposed National Guidelines for Health Planning should not be allowed to close small, rural hospitals.

On September 23, the Department of Health, Education, and Welfare published some proposals for national health planning guidelines in the Federal Register and since that time I have received more than 4,000 letters objecting to them. The hospital administrators in my district, as well as the Health Systems Agency for my area, have told me that implementation of these guidelines could result in numerous hospital closings, and I believe the social cost of this would be unacceptable.

Specifically, the guidelines mandate several standards that a local Health Systems Agency must meet in preparing a health plan for its region of the country which I believe are unrealistic for many small communities. The guidelines propose, among other things, a bed occupancy rate of at least 80 percent; 500 annual deliveries by an obstetrical unit; and less than 4 beds per 1,000 population. At present, there are only a few hospitals in my district which meet these standards, and it is my understanding that many other areas of the country would also have trouble meeting them.

HEW has told me that, under present law, they have no real means of enforcing the proposed guidelines, should they be implemented. Yet, the HSA in my area tells me that while this statement is technically correct, it does not reveal the whole story. In the future when a hospital wants to replace deteriorating equipment, an HSA could deny permission on the basis that the proposed expenditure was not within the bounds required by the HEW guidelines. Subsequently, I am told, if the hospital went ahead and purchased the equipment anyway, HEW is permitted by current law to

withold depreciation reimbursements, which come from medicare-medicaid funds, for that particular piece of equipment. Many small hospitals would be dependent on this money, and would not be able to afford the quipment without it and if they could not have the equipment, they would be forced to give up the service rendered by that equipment. When I asked HEW about this, they did not deny it.

Clearly such a development could seriously jeopardize the proper functioning of a hospital. I cannot see the sense of such a plan if it would cause the closure of the only hospital providing primary care service for a local community, yet it seems that under these proposed guidelines, such an occurrence is a distinct possibility. Surely this would contradict our Nation's effort—as stated in these guidelines themselves—to provide equal access to quality health care at a reasonable cost for populations in rural areas.

Mr. Speaker, I think one of the fundamental problems with these guidelines is that they were prepared in extreme haste and have not been properly thought out. Under the law, the Secretary of HEW is required to consult with the National Council on Health Planning and Development, various federally supported health planning agencies, health provider organizations and others in issuing these guidelines. This was not done prior to the release of the guidelines on September 23.

Furthermore, the original intent of the National Health Planning and Resources Development Act of 1974 (P.L. 93-641), which these guidelines are supposed to implement—was to permit localities to make their own health plans. These guidelines, however, force localities to make their plans on a national basis and what started out as bottom-up planning, would now be changed to a top-down system if these guidelines are allowed to go into effect.

Finally, I would hope that my colleagues would be aware of the fact that what Congress originally intended as planning device is now being altered into a cost-containment tool—before the Congress has an opportunity to fully debate the hospital cost containment legislation that will come up next year. I do not believe that the best interests of the American people are served by such end-run tactics by the executive branch.

Mr. Speaker, I am terribly concerned that these proposed HEW guidelines for health planning may inadvertently jeopardize the quality of health care in rural America, and as a result I would welcome as many cosponsors as possible on this resolution.

The text of the resolution follows:

H. Con. Res. 411

Concurrent resolution to assure equal access to quality health care for populations located in rural areas

Whereas the Notice of Proposed Rulemaking regarding National Guidelines for Health Planning filed by the Secretary of Health, Education, and Welfare on September 22, 1977 (42 Fed. Reg. 48502-48505), has generated great public concern that the guidelines would impose unfeasible performance requirements upon small, rural hospitals, ultimately forcing many of those hospitals to close;

Whereas many small, rural hospitals provide local communities with medical care of a kind and a quality that are not readily available at less accessible metropolitan hospitals; and

Whereas equal access to quality health care at a reasonable cost for populations in rural areas is a priority of the Federal Government: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Secretary of Health, Education, and Welfare should not include in the National Guidelines for Health Planning any guidelines which would directly or indirectly cause the closing of any small, rural hospital which is the only hospital providing primary care services to a local community.

ARLINGTON, TEX., IS HOST

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, it gives me great pride and pleasure to publicly commend the Arlington Jaycees, the Texas Bowling Center Association, and the Texas Association for Retarded Citizens, who have joined together to host the Kennedy Foundation Special Olympics Bowling Tournament for the State of Texas. The tournament will be held in Arlington, Tex., on December 9 and 10, and it will draw more than 800 mentally retarded citizens together for 2 days of sport and competition.

The purpose of this competition is to provide, through the development and display of personal skills, a building of self-confidence and self-reliance for each of the participants. This is a great step toward helping these people to become more useful and productive members of society.

The city of Arlington has passed a resolution designating December 9 and 10 as Special Olympics Weekend in Arlington, Tex., and I wish to join with them in recognizing this fine program and the great value it brings to the hundreds of mentally retarded citizens involved. I include the resolution in the Record, as follows:

Whereas, the mentally retarded citizens of Texas comprise a significant part of the population; and

Whereas, these mentally retarded citizens are entitled to the right and opportunity to build self-confidence and experience in competition within their peer groups; and

Whereas, the demonstration of personal skills with personal recognition helps, through training and development, the social and psychological awareness of each individual toward more useful and productive citizenship; and

Whereas, the Texas Association for Retarded Citizens, Texas Bowling Center Association and the Arlington Jaycees are committed to these philosophies, striving to fulfill these needs through the December 9th and 10th, 1977 Kennedy Foundations Special Olympics Program; and

Whereas, Special Olympics provides the necessary factors of competitive experience, training and self expression which enhance the skills and growth of the mentally retarded as individuals.

Now therefore be it resolved that the United States House of Representatives does applaud and commend all the efforts of the Texas Association for Retarded Citizens, Texas Bowling Centers Association and the Arlington Jaycees in their operation of Special Olympics in Arlington, Texas; and

Be it further resolved that December 9th and 10th, 1977, be named Special Olympics Weekend in Arlington, Texas for all citizens, officials, dignitaries and participants of the Special Olympics events to be held on that weekend.

RUSSIA CAUGHT WITH HAND IN COOKIE JAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the action of Somalia in expelling Russian military personnel provides the United States with an unparalleled opportunity to improve relations with Somalia. The courageous step taken by President Siad's government opens the door for the Western powers to assert new leadership throughout the Red Sea, Persian Gulf, and Indian Ocean areas. The naval base at Berbera on the point of Africa is one of the most strategic locations in the entire area. With the Russian influence strongly diminished, the United States will be derelict if we do not move quickly to take advantage of the potential there.

I commend the Somali Government for its courage in closing the door to Russian manipulation in that country and for enabling the Western powers to enjoy closer relations with Somalia. The Somali action provides the Western powers with the best break they have enjoyed since the Russians were expelled from Egypt. I have urged the U.S. Government to move immediately and take full advantage of the opportunity.

In simple terms, Russia got caught with their hands in the cookie jar. They have been giving support to the new Marxist government in Ethiopia which kicked out U.S. personnel. The Somalis have resented this because the Ethiopians are their longtime enemy and Somalia is backing insurgents who are seeking to gain control of the Ogaden province in Ethiopia. The Ogaden formerly was a part of Somalia. Russian support for the Ethiopians was more than the Somalis were willing to swallow. Let us hope the U.S. recognizes the necessity to act. Berbera is badly needed by the West.

LAUREL HILL, ET AL.

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, from the November 23 issue of the Pensacola Journal Sports Writer, Robert Robinson, comes an intriguing article, "Now, They Know It's Laurel Hill, Not 'Laurel Who?' "

It refers to a small town in Okaloosa County, Fla., which has just won the 1977 Florida State volleyball champion-

ship trophy. Here is what Mr. Robinson said:

Hear ye! Hear ye! The name is not "Laurel Who?" as most people, attending last Saturday's state volleyball tournament at the University of Tampa, may have thought to themselves.

The name is Laurel Hill.

You know, the little Okaloosa County town which lies just north of Crestview and houses the "big" 1977 Florida state high school volleyball championship trophy.

Laurel Hill, not Laurel Who.

Coach Betty Howard and the Laurel Hill girl's volleyball team put the town on the map this past weekend by winning the Class A state championship, 15–5, 15–6, over Tampa Prep High School in Laurel Hill's second year of interscholastic competition.

Plaudits for Okaloosa County schools do not stop there. Choctawhatchee High School in Fort Walton Beach has just won first place in Florida class AAAA football rating. The head coach of the Choctawhatchee High School Indians is Eddie Feely. They won by defeating Tate High School from Escambia County. In this contest, both were northwest Florida schools which had won over competition from larger schools throughout the State.

There is still more. There is musical excellence as well:

Choctawhatchee and Fort Walton Beach high schools bands have been extended invitations to perform during the halftime shows at major college bowl games.

Fort Walton, under the direction of Ernest Hebson, is headed for the Rose Bowl game in Pasadena, Calif.

Choctaw band director Jimmy Jones said Tuesday his "Style Marchers" received invites to the Cotton, Orange, Rose and Sugar Bowl games, but refused them because Choctawhatchee is playing in the state high school playoffs.

The Style Marchers, however, have accepted an invitation to the Cherry Blossom Festival and parade in Washington, D.C., next spring. The trip also will include a stop in Toronto, Ont., Can.

Choctaw performed at halftime of a New Orleans Saints National Football League game at the Superdome in New Orleans, La., earlier this season.

A CLEANUP OF AN NBC DEMAGOGIC DOCUMENTARY

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I realize that the real "in thing" these days is for the press to lambast people that work in Government. One simply cannot write a news item or broadcast a story without lashing out at the "stupid" politicians or the "lazy" bureaucrats.

With the Sullivan decision, several years ago, the press no longer has to concern itself about staying within the truth when writing or broadcasting news items dealing with "persons in the public eye." That makes politicians and Government officials open game, because they virtually have no protection under libel and slander laws.

In recent years, during a period when our society has been becoming more complex on a daily basis, our citizens have been turning increasingly to television as a sole source for news information. The average TV news item is about 40 seconds in length and almost never exceeds 3 minutes. Obviously no complex subject can be covered or examined with any degree of intelligence in such a short amount of time.

When TV networks cannot avoid facing extremely complex subjects, they resort to a longer news item and call it a documentary Subjects receiving the documentary treatment in newscasts may receive up to 5 minutes of air time.

During the evenings of November 2, 3, and 4, 1977, "NBC News" aired three of these documentaries dealing with the very complex subject of "air safety." In essence, the documentaries were demagogic criticisms of the Federal Aviation Agency backed up by out-of-context quotes from various air safety experts. Gross amounts of factual information were totally ignored by the authors of the so-called documentaries.

While the CONGRESSIONAL RECORD does not have the same number of readers as NBC has viewers, I feel it important that the real truth be known concerning the junk that was broadcast by NBC.

At my direction, statements made during the NBC broadcast have been researched. If the statement was false, misleading, or otherwise in error, the truth was then outlined together with references. This will allow any serious researcher to verify the accuracy of this critique.

The false or misleading statements from the NBC broadcast and the critique is herewith enclosed for the RECORD:

ANALYSIS OF NBC SEGMENT 3 BROADCAST REGARDING THE FEDERAL AVIATION ADMINISTRATION, AIRED NOV. 2–4, 1977

The American record of air safety is the finest in the world—that fact cannot be disputed. The credit belongs to a number of groups, including aircraft manufacturers, the airlines, trade associations and professional groups, consumer groups, labor organizations, the travelling public, the Congress, and the FAA. Each has contributed meaningfully to aviation safety and, at one time or another, has been right when others have been wrong. Through the dedication and persistence of all, and out of a mutually shared concern, the cause of aviation safety has been greatly advanced and continues to achieve even higher levels.

It is important that the American public's confidence in their air transportation system not be undermined. Aviation growth in the United States shows a present high level of confidence in the safety of the system—a confidence fully justified by the system's performance. Also important is the confidence of the American public in the government's concern for their welfare. Similarly, we believe it important that unjustified charges given wide distribution not result in political solutions to technological problems. Last, it is important that the reputations of the men and women who are the FAA should not be scarred by an inaccurate portrayal of their capabilities and by allegations which call into question their sincerity and devotion to the advancement of air safety. For these reasons, the FAA would like to provide information not included in the NBC News presentation of November 2–4, 1977 that we believe far more accurately documents the current state of aviation safety.

Objective journalism is a valuable tool for ensuring effective government and the FAA encourages constructive criticism. The FAA is fully cognizant that significant gains in aviation safety have emanated from constructive criticism offered by concerned observers. The FAA recognizes, however, that errors can occur in even the most conscientious news reporting. This is particularly true when the subject is as technologically complex as aviation safety. In fact, the FAA believes it is not realistic to attempt to deal with as many phases of aviation safety, as were recently addressed by NBC News, in the short period of time allotted. The resulting product, as the NBC telecast so aptly demonstrates, tends to be misleading, inaccurate, and incomplete.

To address the various representations made during the NBC News telecast, the FAA has separated the program into topical segments and set forth below the major points it would offer in rebuttal. The FAA notes that many of these points were made to the NBC News team during the period the show was being prepared but for reasons undisclosed to the FAA were deleted from the program. The FAA finds this deletion of relevant facts to be particularly disturbing because it made its facilities and personnel available to NBC News for the express purpose of giving NBC News the necessary insight to accurately report on this complex subject. Should any person or organization desire further information than is set forth below, the FAA is ready to provide it.

1. Statement: "You're going on a plane trip. Maybe you're worried the flight will be late, or the airline will lose your suitcase. Should you be worried about a safe flight? Yes, you should." "[I]f you fly very often, you've nearly crashed more than once and never even knew it." (November 2; Ms. Ellerbee).

Response: On January 13, 1977, the Chairman of the National Transportation Safety Board, an independent government agency whose responsibility is to promote transportation safety, stated that United States civil aviation, including both air carriers and general aviation, achieved a generally excellent safety record in 1976. The Chairman further observed that air carriers recorded the lowest accident total in commercial aviation history and the fewest fatalities in more than 20 years. "Aviation's 1976 record is especially heartening because it represents further improvement on a good year in 1975. It also continues downward trends in several accident rates which suggests significant safety progress over a number of years." This statement and numerous supporting statistics are contained in an NTSB safety information press release dated January 13, 1977.

The domestic scheduled airlines are the safest mode of transportation today, and the FAA is continuing to develop and implement safety measures to make further gains in the future. NBC offered no statistical support for its bold allegation that if you fly very often you've nearly crashed more than once. Available statistics clearly refute the NBC statement. These statistics indicate not only the remarkable safety record for domestic scheduled air carriers but also the unlikely probability of a passenger on a domestic scheduled air carrier ever being involved in an accident. For example, the following table, from a January 13, 1977 press release by the National Transportation Safety Board, shows a progressive improvement in safety with respect to United States air carriers and illustrates the very low percentage of accidents and fatalities both per hours flown and per miles flown. For example, between 1966 and 1976, the total accident rate per 100,000 aircraft hours flown declined by almost seventy percent (1.469 versus 0.436) and the total accident rate per million aircraft miles flown declined by more than seventy-five percent (0.042 versus 0.010).

ACCIDENTS, ACCIDENT RATES, AND FATALITIES U.S. AIR CARRIERS (CERTIFICATED ROUTE, SUPPLEMENTAL, AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT) 1966-76

Year	Accidents		Fatalities				Hours flown	Miles flown (thousands)[1]	Accident rates			
									Per 100,000 aircraft-hours flown		Per 1,000,000 aircraft-miles flown	
	Total	Fatalities	Passengers	Crew	Other	Total			Total	Fatalities	Total	Fatalities
1966	75	8	137	27	108	272	5,104,984	1,768,458	$1.469	$0.157	$0.042	$0.00
1967	70	12	229	39	18	286	6,868,842	2,179,739	1.193	.204	.032	.00
1968	71	[2]15	306	37	6	349	6,404,260	2,498,848	1.109	.203	.028	.00
1969	63	[2]10	132	22	4	158	6,740,199	2,736,596	.935	.134	.023	.00
1970	55	8	118	24	4	246	6,470,351	2,684,552	.850	.124	.020	.00
1971	48	[2]8	174	23	6	203	6,386,662	2,660,731	.752	.094	.018	.00
1972	50	8	160	17	13	190	6,302,160	2,619,043	.793	.127	.019	.00
1973	43	9	200	26	1	227	6,504,819	2,646,669	.661	.138	.016	.00
1974	47	9	421	46	0	467	5,978,480	2,464,295	.769	.134	.019	.00
1975[3]	45	3	113	11	0	124	6,040,841	2,477,764	.745	.050	.018	.00
1976 prel	28	9	39	6	0	45	6,130,000	2,536,000	.457	.065	.011	.00

[1] Nonrevenue miles of the supplemental air carriers are not reported.
[2] Includes midair collisions nonfatal to air carrier occupants, excluded in fatal accident rates 1968—2, 1969—1, 1971—2).
[3] Beginning in 1975, accidents involving commercial operators of large aircraft are included.
Note: Sabotage accident occurring Sept. 8, 1974 is included in all computations except rates.

A comparison between air transportation and other modes of transportation clearly indicates how safe travel by air carrier is.

FATALITY RATES PER 100,000,000 PASSENGER MILES

Year	Domestic scheduled air carriers	Railroad passenger trains	Buses	Passenger automobiles and taxis
1949-51	1.26	0.36	0.21	2.87
1959-61	.67	.10	.18	2.20
1972-75	.11	.19	.20	1.57

Fatality statistics for various modes of travel also depict that the scheduled airlines are among the smallest contributors to fatalities.

Mode	Fatalities in 1975	Fatalities in 1976
U.S. scheduled air carriers (all occupants)	122	42
Commercial buses (occupants)	80	100
School buses (occupants)	50	60
Rail/highway grade crossing	1,345	1,126
Water transport drownings	978	1,100
Motorcycle (riders)	2,800	3,000
Collision with pedacycle	1,000	900
Passenger cars (occupants)	27,000	27,400

Viewed from another perspective, the total number of fatalities for U.S. scheduled air carriers for the entire year of 1976 amounted to only 6 percent of the total number of motor vehicle deaths estimated by the National Safety Council to have resulted from the three days of the Labor Day Holiday.

It is also noteworthy that during the entire year of 1976, U.S. supplemental air carriers had no fatal accidents.

2. Statement: "Captain Power Waters' views are shared by many pilots, but because they fear reprisal, they are seldom willing to speak in front of a camera." (November 2; Ms. Ellerbee).

Response: If this statement is intended to imply that the FAA would seek reprisal against a pilot for criticizing the FAA, we could not disagree more. There is no basis for such an accusation either in fact or in theory. The FAA has not noted any reluctance on the part of individual pilots or such organizations as the Air Line Pilots Association to clearly enunciate their views, pro and con, concerning aviation safety. The FAA routinely receives comments from individual pilots and their associations in all rulemaking that impacts pilots. Similarly, the FAA reviews numerous letters from pilots and their associations dealing with suggestions for improving the system. The FAA encourages participation of its people at gatherings of pilots and we find that a frank exchange of views usually occurs. Simply stated, the FAA has never noticed any timidity on the part of pilots or their associations to publicly disagree with the FAA, nor do we believe they should feel constrained in expressing their views.

3. Statement: "The FAA's been criticized for not hiring enough air traffic controllers."

Response: NBC has not indicated who has criticized the FAA nor has it offered any data in support of the statement. There will always be individuals or organizations whose parochial interests are enhanced by alleging that more people are needed to do a job. The FAA is, however, committed to employing only those numbers of individuals necessary to adequately fulfill its role; it is opposed to inefficient employment practices. For that reason, the FAA has conducted careful studies to ascertain proper staffing for different functions within the agency and has developed a staffing standard which enables it to objectively determine staffing needs throughout the air traffic system.

At the end of each fiscal year, every air traffic control field facility submits its source data for the 90th percentile day (37th busiest day) of the fiscal year just ended. The source data includes the number of aircraft handled each hour of the day for each center sector and terminal radar complex and the average flight time for each sector. The computerized staffing standard is applied to each facility's source data adjusted to the traffic forecasted for the budget year. The resultant printout is reviewed by the facility and the regional office, and any nonstandard staffing requirements are noted. The combined staffing requirements of facilities form the basis for the air traffic budget submission. The staffing requirements are reviewed, as part of the budget review process, by FAA top management, the Office of the Secretary of Transportation, the Office of Management and Budget, and the House and Senate Appropriations Committees.

Applying the FAA standard to FY 1977 activity levels yields a staffing requirement of 11,137 positions in the centers and 11,670 in the towers. (These figures include air traffic controllers and all professional support personnel). Our authorized staffing for FY 1977 was 11,348 positions for centers and 11,708 for towers. Actual on-board staffing is normally about 2 percent below the authorized. On-board staffing at the end of the year was 10,981 in the centers and 11,385 in the towers which is in line with the total number prescribed by our staffing standard.

Overall, in each of the fiscal years, 1975–1977, the employment levels of professional positions at the centers and towers combined have been at or between 97 and 98 percent of the levels authorized by Congress.

4. Statement: "O'Hare Airport is the busiest in the world, but the chance is one-in-two our plane is being handled by a controller who has not finished his training. At other airports, the chance of this situation occurring is one-in-four." (November 2; Ms. Ellerbee).

Response: The FAA never permits aircraft to be handled by unqualified controllers. Any controller that handles traffic has had hundreds of hours of simulated training before ever handling actual traffic. It is true that after the simulated training these controllers are permitted to handle actual traffic under the direct, on the spot, supervision of a controller that has a substantial amount of actual experience at that particular facility. This raises an important fact; even if a controller has had years of actual experience, when that controller moves to a different facility, the controller receives "training" as to the actual operations of the new facility.

FAA has a comprehensive training program for controllers which begins with approximately sixteen weeks of pass/fail academic training at the FAA Academy. If an individual successfully completes the Academy training, the individual is placed in a facility where that person receives both classroom and on-the-job training. The assignments are progressively responsible, and the individual receives direct "over the shoulder" supervision by a fully proficient controller until checked out and certified at performing a given function. Once the ability to perform a given function has been satisfactorily demonstrated and the individual so certified, that person is permitted to perform the function under more general supervision.

For example, prior to even entering the radar training phase, the controller must correctly perform live control duties as part of an operational team for approximately one or two years. The assignment to radar training is an acknowledgement by the supervisor that the demonstrated control proficiency of the controller is satisfactory, and that normal progression to full journeyman status can be achieved.

When radar training is finally authorized, the Air Traffic Training Handbook provides very specific instructions which must be complied with by the instructor controller. The instructor must be properly qualified for the type of control to be exercised; he is not permitted to perform collateral duties which might infringe upon exercising close and alert supervision during this training period. The instructor must also ensure that the complexity of the traffic situations encountered during the testing phase is compatible with the specialist's ability. Our entire work force has been trained in this manner, and the FAA can attest to the safest air traffic control system in the world.

The "journeyman" level for a controller is the highest grade level which a non-supervisory controller can attain in a facility. Any controller below the journeyman level is a "developmental" controller. The fact that a controller is not a journeyman does not in any way mean that he is an inexperienced

employee. For example, a controller may be a journeyman controller at a low level facility and may have controlled traffic for many years. But if that controller is reassigned to a higher level facility, he then becomes a "developmental" controller, notwithstanding his many years of experience, until he is "checked out" on all positions and equipment at the new facility and promoted to the journeyman level for that facility. Even if a controller has been checked out on all positions and equipment, and has demonstrated full capabilities in all phases of air traffic control, he is still "developmental" until promoted to the journeyman level.

In short, a controller's training is over a period of years before he is eligible for journeyman status. The average training time before an en route controller is checked out and certified on all positions and equipment is 4.34 years; for terminal controllers it is 2.9 years. With regard to finishing their training, as with pilots and many other professions, journeyman controllers continually undergo recurrent training within their facilities.

5. Statement: "At many U.S. airports, those in Los Angeles, Boston, New York and Washington, to name a few, once the plane gets up enough speed to get off the ground, the pilot will have to make the plane quiet for the people who live near the airport. He does it by reducing power after take-off. It may be dangerous, but local laws require pilots to fly this way, and the FAA allows it." (November 2; Ms. Ellerbee). "You pull the power back until the airplane almost falls out of the sky, and climbs on a hot day with a full load, like about maybe 600 feet a minute, where normally it's 1500 to 2000 feet a minute. But you got to pull the power back so you don't bother the neighbors around the airport." (Captain Waters). "The agency, FAA, apparently has more concern, in some instances for—for the local concern on noise abatement then they do about the safety of the airplane." (Mr. Leyden).

The FAA's primary role is aviation safety. The FAA's concern with noise abatement is substantial but always necessarily secondary to safety. As FAA Administrator Bond stated, in a portion of his interview with NBC which the network omitted from its presentation, "[o]ur first priority is always safety, and if there is a compromise between noise and safety, we must always choose safety, which is not only safety of passengers in flight, of course, but on the ground as well."

Noise abatement procedures are safe. The noise abatement departure procedures in use today call for a reduction in power only after reaching a safe airspeed configuration, and a safe altitude, approximately 1000 feet above the ground. This power reduction provides a climb gradient with more than adequate safety margins built into it. The transition from a rate of climb of 1500 to 2000 feet per minute to the 600 feet per minute rate of climb is fully within the pilot's control. A 600 feet per minute rate of climb is not unsafe.

The air carriers and the Air Transport Association have worked with the FAA's expert personnel to develop takeoff noise abatement procedures. The individual air carriers place these procedures in their company manuals and at this point they are reviewed by the FAA to ensure that they are safe. The procedures are sufficiently flexible as to allow the pilots to adjust for abnormal operating conditions. When individual airports propose noise abatement procedures, these are likewise reviewed by the FAA from the standpoint of safety. The FAA is unaware of any noise abatement procedure in effect today which is unsafe.

One interesting note on this subject is that in a May 1977 Executive Board Committee Recommendation of the Air Line Pilots Association, which recommended adoption of a standardized takeoff procedure similar to but different from the ATA version, the view was expressed that ". . . the guidelines provided by the ATA to airlines have not been sufficiently clear to allow the airlines to achieve maximum *economic benefit* and maximum *noise relief* to those exposed to aircraft noise. . . ." (Emphasis supplied.) Hence, ALPA's decision to propose a substitute standard noise abatement procedure was not generated by a perceived safety deficiency but out of expressed concern for maximizing economic benefit and noise relief.

6. Statement: "Now our pilot can worry about hitting another airplane. Every year there are more than 2,000 reported near misses, and every year 10,000 planes are added to the system. What is the pilot supposed to do?" (November 2; Ms. Ellerbee) "The FAA says, a concept that came out some 40 years ago, that you will see and be seen. And if you look out the window you will not run into another plane, you just will not do this." (Mr. Leyden)

Response: The FAA is unaware of the basis for NBC's statistics of over 2,000 reported near misses a year. The information available to FAA contradicts this statement. But, no matter how low the number might be, the FAA is attempting to cut it further.

Anyone (pilots, safety inspectors, passengers, etc.) may initiate a request for an evaluation by the FAA of a suspected near mid-air collision incident. During the four year period from January 1, 1973, to June 30, 1977, on the average 301 near mid-air collisions were reported and investigated by the FAA's Flight Standard Service annually. Each report is investigated by a Flight Standards inspector who gathers and reviews all material information concerning the alleged incident from witnesses or other sources. To give some idea of the relationship of these statistics to the toal system, focus on the fact that in 1976, FAA air traffic control towers handled 97,200,000 IFR and VFR operations and FAA air traffic control centers handled 25,300,000 IFR aircraft.

Of the 301 average annual reports, the FAA's investigation disclosed that 68 posed no hazard. In a "no hazard" finding, a determination is made that the direction and altitude of the aircraft would have made a mid-air collision improbable regardless of whether evasive action was taken. Insufficient information was available to determine whether a hazard may have been present in 12 of the remaining cases.

Of the remaining 221 incidents, 171 were classified as potential near mid-air collisions which means that an incident would probably have resulted in a collision if no action had been taken by either pilot. As to the other 50, these were classified as critical which means that collision avoidance was due to chance rather than an act on the part of the pilot.

During the 12 month period from July 1, 1976, to June 30, 1977, 1,624 near mid-air collision reports were received by NASA under the FAA/NASA Aviation Safety Reporting System (ASRS). The ASRS reports furnished to FAA are anonymous and cannot be investigated by FAA. As a result, they may or may not represent reliable data upon which to form conclusions as to the number of near misses that have actually occurred. Moreover, the FAA does have the sense that some of these reports are duplicative of those filed with the FAA.

The concept of "see and avoid" referenced by NBC news is only one of the system's requirements used to avoid mid-air collisions. It requires that vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. To enhance the ability to see and avoid, aircraft may not operate at a rate of speed greater than 250 knots below 10,000 feet. This restriction on speed, coupled with the requirement that appropriate weather conditions exist before Visual Flight Rule (VFR) aircraft are permitted to operate, helps assure that the "see and avoid" concept works. Additionally, above 3,000 feet, special rules govern VFR aircraft operations. The purpose of these rules is to provide altitude separation between uncontrolled aircraft as well as between Instrument Flight Rules (IFR) aircraft and uncontrolled aircraft. More specifically, depending upon the direction of flight, different flight levels are prescribed.

To operate above 12,500 feet, with rare exceptions, all aircraft must have an altitude encoding transponder which apprises the en route controller of aircraft position and altitude thereby enabling him to provide traffic advisories and vector aircraft as necessary. Above 18,000 feet, all aircraft are under positive control.

The FAA has also established Terminal Control Areas at 21 of the large hub airports. All aircraft operating within a TCA are provided separation by air traffic control. At more than 100 other airports, the FAA has established Terminal Radar Service Areas (TRSA) in which a VFR aircraft pilot is provided separation from other participating VFR aircraft and all IFR aircraft unless he specifically does not desire the service. VFR aircraft are urged to avail themselves of this service and over 90% of arriving VFR aircraft and over 80% of departing VFR aircraft do participate.

The FAA also has aggressive educational and briefing programs designed to impress upon pilots their responsibilities in the national airspace system and to encourage general aviation aircraft to avoid airspace occupied by high performance aircraft. TCAs, TRSAs and, where appropriate in the interest of safety, high performance aircraft arrival routes are published in the Airman Information Manual or on VFR navigational charts.

Thus, while it is true that the see and avoid concept is a basic element of the air traffic control system, the connotation in the telecast is misleading to those unfamiliar with other elements of the system.

Near mid-air collisions are a source of concern to the FAA and we have undertaken aggressive programs to minimize their possibility both through R&D projects to develop better instrumentation and hardware, and through air traffic control procedures. The FAA is at this time initiating the development of a Beacon-Based Collision Avoidance System (BCAS) which will provide reliable data on potential threats to the pilot within and without surveillance coverage, will be compatible with the existing and planned air traffic control system, and will use as a base equipment the existing ATCRBS transponders. A BCAS equipped aircraft will be able to identify and react to any aircraft equipped with an ATCRBS transponder and an altitude encoder. The BCAS development program has received the unanimous endorsement of the user community and is the result of a long arduous search for a viable solution to collision avoidance.

7. Statement: "Airliners are required to carry equipment that shows the ground radar controller where the plane is. But most small planes do not have this equipment, and the FAA does not require them to, even though they may be sharing airspace with a jet carrying 300 people." (November 2; Ms. Ellerbee).

Response: This statement is a good illustration of the kind of distortion that derives from inattention to detail. To comprehend the subject matter, it is necessary to understand the way in which the air traffic control system is structured. All aircraft, large and small, operating above 12,500 feet are

required to possess an altitude encoding transponder. The majority of large passenger-carrying aircraft operate below 12,500 feet normally only during the takeoff and landing phases of their operation. Air carrier aircraft descent below a 12,500 foot level would generally take place within 30 miles of the primary airport; this is the normal control area of a terminal. This 30 mile distance is within the optimum performance capabilities of terminal radar systems which display both primary and secondary radar returns. Thus, within this 30 mile distance aircraft without transponders are identifiable by primary radar which permits the controller to provide traffic advisories when he notes a possible conflict.

Transponder equipped aircraft are automatically tracked by our present Automated Radar Terminal Systems (ARTS III) and non-transponder equipped aircraft are displayed. ARTS III A, an enhancement to ARTS III, planned for installation beginning early next year, will provide automatic tracking for non-transponder equipped aircraft. Moreover, as noted in the response portion of item number 6, a whole system of air traffic procedures is designed to provide separation of aircraft whether controlled or not.

This is but a brief sketch of the rational basis upon which the FAA has based its decision not to require transponder equipment on all aircraft. More detail could be provided but perhaps it suffices to note that even the current level usage of transponders was vigorously opposed by the users of the system and that the lack of need for transponders in areas where they are not currently required was supported by many of the users. In this regard, we would quote from a summary of the users' comments contained in the preamble to the rule requiring transponders.

"Numerous comments of a general nature were received stating that the cost of the proposed rule changes could not be justified by the benefits therefrom. These general comments stated that requiring improved transponders and associated automatic pressure altitude reporting equipment in the specified airspace goes beyond the point of diminishing returns, is not justified by near midair collision statistics, conflicts unnecessarily with the FAA's statutory duty to encourage the development of aviation, and will be unnecessarily damaging to the less sophisticated segments of general aviation that now use posiitve control airspace, all without a corresponding significant benefit to air traffic control system safety or efficiency. While certain of these comments conceded that automatic altitude reporting had some value in heavily used airspace around airports, nearly all of these comments stated that the traffic volume in en route airspace, particularly in the western part of the United States, is far less than that needed to justify the required use of such equipment by all users of that airspace."

(Amendment 91–16, 38 F. R. 14672, June 4, 1973)

8. Statement: "Instrument landing systems are navigation aids that guide a pilot to the ground in bad weather. But according to a survey by the Airline Pilots Association, 75 percent of all the runways used by scheduled airlines in this country have no instrument landing system and no approach lights. More than half the U.S. airports used by scheduled airlines have no radar and 40 percent don't even have a tower. But 100 percent have passengers and bad weather." (November 2; Ms. Ellerbee). "If the FAA was really interested in passengers getting from A to B safely, they wouldn't allow passengers to land at airports without an instrument landing system, or a control tower, or approach lights. FAA is there to keep things safe, they don't." (Mr. Leyden).

Response: Ms. Ellerbee stated that "Langhorne Bond, the head of the FAA says it is safe for airlines to use airports without that equipment." Part of Mr. Bond's response was then televised: "Because the record demonstrates that there is no safety risk involved in that. There is no such thing as perfectly assured safety. But the risk involved is very slight. We wouldn't permit it if we thought it were unsafe." However, NBC deemed it advisable to cut off Mr. Bond's reply at the very place where he indicated a further explanation was needed: "You must go on and say the rest of the story and that is, if the weather is bad or if the visual conditions are not perfect or even good for the airports of that condition, we won't permit it. Our rules shut down operations when conditions are marginal much more early than they do with airports that are equipped with instrument landing systems or approach lights or flashing lights or runway center line lighting, or whatever. We have a carefully graduated set of minimums that allow more and more weather and marginal flying conditions depending on the instrumentation of the airport. And obviously in a case that you cite where it's a small airport and there are very few movements per day, we'd only allow operation if weather is relatively good, when visual assurance is a good substitute for the use of instruments."

Equally important, although the FAA does not necessarily dispute the statistics quoted, they can be misleading. There are 488 airports served by the scheduled airlines 321 of which are served by a total of 461 full ILS systems. These 321 airports enplane 98 percent of all scheduled airline passengers. A total of 554 ILS systems are presently installed and commissioned in the U.S. An additional 16 ILS systems will be commissioned by the end of this fiscal year. Another 84 full ILS's are in various stages of the procurement/production cycle.

It is not essential that each runway be ILS-equipped. The visibility minima for non-ILS runways are higher than those established for ILS runways. If the visibility is such that a non-ILS runway cannot be used, then flights are assigned to the ILS runway (available at the great majority of airports) or the flight is directed to an alternate airport. It also must be noted that all runways cannot accept an ILS for various reasons such as obstructions or operating restrictions.

With respect to control towers, those air carrier airports not served by tower are low activity airports. Nevertheless, the airlines are required by FAA to provide each flight operating to or from a non-tower airport with traffic information by means of radio communications. In addition, although an airport may not have an air traffic control tower, it may have a flight service station which may provide various services to aircraft, including traffic advisories.

As to the discussion concerning approach lights, more than 90 percent of the ILS runways are equipped with approach light systems and many non-ILS systems are also so equipped. If the non-ILS runways do not have approach light systems, then higher visibility minima are established. The practice of authorizing lower minima based on improved ground navigation aids, lighting aids, and airborne equipment is sound and establishes an equivalent level of safety between ILS and non-ILS instrument approach procedures.

Regarding the statement concerning the lack of radar at many U.S. airports, it should be noted that more than 96 percent of all scheduled airlines depart and arrive under terminal radar coverage. The remaining 3.8 percent operate into low activity airports averaging about 3 air carrier flights per day. Separation of aircraft is provided by use of manual air traffic control procedures which utilize distance and altitude. Manual procedures are the basic form of air traffic control and are safe.

Any evaluation of the statistics cited by Ms. Ellerbee must take into account the fact that the FAA is continually upgrading and adding to the equipment already in use throughout the national airspace system. Moreover, consideration must be given not only to the amount of time necessary to upgrade or install equipment but also to the cost involved. For example, to install and maintain an ILS system on all those runways which do not currently have them, would cost nearly $3 billion over the 15 year life of an ILS system.

It should be stressed that aircraft procedures are tailored to the specific circumstance. Requirements differ if landing aids are not present at an airport; those differing requirements are prescribed by the FAA to assure that safety is maintained. By way of analogy, consider the case of a paved versus an unpaved road. Almost without question, there would be a substantial difference in safety for an automobile to be driven 55 miles per hour down both roads. However, the speed limit on the unpaved road would, in all likelihood, be significantly less, thereby providing the requisite degree of safety through the use of a procedure tailored to a particular need. In simple terms, this is what the FAA does when requiring different procedures for airports without certain aids than for other airports.

9. Statement: "But is the FAA responsible for this good [safety] record? Many aviation experts say flying is as safe as it is because most airlines have safety rules tougher than the FAA's. Because most controllers and pilots do their jobs well, even in adverse situations. Because most planes are sound mechanically, and kept that way. And these critics think the U.S. has built a safe record not because of, but in spite of the Federal Aviation Administration." (November 2.)

Response: Most of the airline safety regulations that have been adopted by the FAA emanated within the FAA and were not as a result of recommendations from external sectors. A great many of these were adopted over the strenuous objections of various segments of the aviation industry. We believe the FAA, while it cannot take nor does it seek complete credit for the existing airline safety record, nevertheless has played a major role in compiling this enviable airline safety record. For example, when jet transports were first introduced into airline service in late 1958, the FAA imposed additional operational restrictions, required extensive flight crew training programs, and demanded more precise piloting performance than was previously required. From the first day of jet transport operations, FAA inspectors have certificated every single airline pilot in the operation of jet airplanes. The above requirements were made over strenuous opposition by both the airline industry and the pilots.

The FAA's safety rules provide for stringent standards that airlines must follow which recognize, pursuant to section 601(b) of the Federal Aviation Act of 1958, "the duty resting upon air carriers to perform their services with the highest possible degree of safety...." FAA prescribes high safety standards which the airlines must meet; standards which when complied will result in a safe operation. If, as stated, most of the airlines "have safety rules tougher than the FAA's," one would logically have to question the need for the FAA's aggressive enforcement program.

The FAA agrees that the controllers and pilots "do their jobs well." To suggest that controllers perform well but not the FAA is incredulous since controllers are an essential part of the FAA. FAA controllers perform well

because the intense training program which they undergo progressively screens out those individuals, as described in our response to statement 4, who are not fully capable of advancing to the journeyman controller level. Also, our training system not only provides comprehensive skills and knowledge to those who are progressing toward the journeyman level but requires journeyman controllers to undertake continuous refresher training.

With respect to U.S. airline pilots, each must meet, on a continuing basis, stringent medical qualifications prescribed by the FAA. They must hold a pilot certificate from the FAA which requires extensive aeronautical knowledge and flight experience. Their proficiency in performing various flight maneuvers is assured by FAA imposed requirements. Their airline's training program for pilots is approved and monitored by the FAA. And, the FAA through enroute inspections monitors cockpit discipline and adherence to FAA regulations.

The FAA strongly disagrees with the implication that the FAA has nothing to do with the sound mechanical condition of the U.S. fleet. All aircraft used by the scheduled airlines are certificated by the FAA which means that they meet high design and performance standards prescribed by the FAA. If unanticipated problems with the aircraft later become apparent, the FAA requires their correction by Airworthiness Directives. The FAA also requires the airlines to have comprehensive maintenance programs to assure that aircraft are kept in good condition, and we continually monitor those programs. The airline mechanics who work on aircraft are licensed by the FAA and the airline's training programs to assure their continuing proficiency are approved and monitored by the FAA.

There is a further telling point. U.S. certification of an aircraft by the FAA is considered of a high enough order by other nations that many seek to have their aircraft certified by the FAA knowing it would aid substantially in selling those aircraft. Also, FAA technical assistance is requested by countries throughout the world, and foreign nationals are frequently trained by the FAA at their government's request. The respect given by foreign civil aviation organizations to FAA standards and the expertise of its employees demonstrates that the FAA is perceived, at least by them, as a highly proficient organization.

10. Statement: "March 1977. Tenerife, the Canary Islands. A Pan Am jumbo jet is struck by a Dutch jet. That happens on the runway. Sixty-seven people crawl out of the wreckage of the Pan Am plane. Could more people on that plane have survived? Ten years before Tenerife, the FAA was already working on ways to keep fuel from exploding in a crash, ways to inert the fuel. Three years before Tenerife, the FAA thought a system was ready and proposed a rule to require all the airlines to carry it. But the industry objected, saying it weighed too much and it cost too much. The FAA agreed, and put the system back in research and development.

But could a fuel inerting system have been put in airplanes right then, three years before Tenerife; Robert Auburn was the head of that project at the FAA." (November 3; Ms. Ellerbee).

"The system, at that time, had reached the stage of development and—and—we had enough information about its capabilities. Yes, I think it could have been adopted at that point, yes." (Mr. Auburn).

"Auburn thinks the system might have saved lives at Tenerife. So do experts at the Airline Pilots Association, the National Transportation Safety Board, and the Flight Safety Foundation. But it's a loose point. The FAA says the system is still not ready. It is still in research and development." (November 3; Ms. Ellerbee).

Response: The critical fact overlooked by NBC is that fuel inerting systems do not provide protection where the fuel tanks are ruptured. At Tenerife, because of the impact of the accident, the fuel tanks were ruptured. Therefore, there is no correlation between the availability of a fuel inerting system and the tragic loss of life at Tenerife. The reference that the FAA was working on "ways to keep the fuel from exploding in a crash, ways to inert the fuel" ten years before the Tenerife accident is misleading. With respect to preventing post crash fires, the FAA has been conducting research in three areas: jelled fuels, anti-misting and fuel inerting.

Ten years prior to the Tenerife accident, there had been a developmental effort in the area of jelled fuels. Those jelled fuels, it was anticipated, would provide protection when a fuel tank was ruptured by limiting fuel spillage and aeration. However, it was determined that aircraft and engine fuel systems were simply not compatible with jelled fuel and the project was concluded.

The knowledge gained during this development activity led to the development of a fuel additive in 1975 that would preclude a fine mist from forming when the fuel is released from ruptured fuel tanks. Preventing the forming of a fine mist may keep the large fireball from forming in a crash situation, thereby reducing the flash effect. Unfortunately, the same chemical action which prevents fuel misting from occurring when tanks are ruptured also greatly inhibits the vaporization needed for combustion in the aircraft engines. The anti-misting technique has been tested using relatively small quantities of modified fuels in simulated crashes and shows promise of success. Large-scale testing is now being planned and the development of techniques to remove the additive prior to delivery to the engines is being undertaken. We expect completion of this engine compatibility study by the third quarter of 1979. A mechanical "shearing" device for the aircraft fuel system must be developed before widespread use of anti-misting additives is feasible. It is anticipated that when anti-misting is developed to its full potential, a major reduction in the fuel fire hazard will result. The cost of this program from prototype to completion from FY 78 to FY 80 will be in the vicinity of $3.5 million.

With respect to fuel inerting systems, the FAA, in April 1974, considered requiring a liquid nitrogen system on board aircraft to supply gaseous nitrogen in intact fuel tank and vent systems to replace the air and reduce the explosive risks due to sparks or lightning strikes. However the weight, cost, and logistics problems of the liquid system precluded its operational use. Subsequently, a project to develop an on-board nitrogen inerting system, using engine bleed air, was initiated, and testing of the initial engineering prototype has just been completed. The results are expected to be reported in January 1978.

Our comments here are simply intended to demonstrate the misleading nature of the allegation, and are not in any way intended to downplay or minimize the valid concern about the hazards of post-crash fires. We recognize the severity of the problem and are diligently working on a feasible solution. Unfortunately, pinpointing a problem is only part of the process in defining a solution. Consider, for example, medical research. No one will dispute the dedication of the thousands of medical experts who are striving to find solutions to health problems that have plagued mankind for years; but the answers to these problems are often elusive. The same problem often exists in trying to find technological solutions to complex aviation problems: the questions may be easy to ask but the answers are not easy to find. We understand the concern of those who wish that today's ideas could have been yesterday's realities. The FAA shares that wish. We only hope these same individuals will some day appreciate the limitations and obstacles to be overcome in turning such ideas into reality.

11. Statement: [Clip of a test crash] "That test crash was done by the FAA at its lab near Atlantic City, New Jersey. Critics of the FAA say this is the place where government scientists and engineers keep reinventing the wheel. One aviation expert calls the research and development program a hobby shop." (November 3; Ms. Ellerbee).

Response: In this instance, it appears that NBC has allowed itself to substitute labels for substantive comment. NAFEC provides an operating environment to test the products FAA will require in the system. Concomitantly, NAFE, allows the FAA to conduct the necessary tests and evaluations of all new systems, improvements, or modifications to existing systems; developing quick fixes to overcome specialized problems that arise in the field; and provide support for the automation capabilities in the Air Route Traffic Control Center and Terminal areas. Equally important is its role in carrying out the testing of aircraft safety and emission developments upon which regulatory actions can be based.

Examples of work performed at NAFEC include: assimilation, test and evaluation of all hardware and software for the implementation of the entire enroute automation system; the test and evaluation of all improvements to the enroute and terminal automation systems such as radar tracking, Minimum Safe Altitude Warning System, conflict alert; improved ATCRBS antennas; area navigation simulations and tests, Instrument Landing System improvements, notably in antenna configuration; and new airport lighting and marking configurations.

The facilities and capabilities available at NAFEC make it the principal civil aviation experimental center in the world. Its products assist FAA immeasurably in providing the safest and most efficient air traffic control system in the world. The FAA invites any interested party to visit NAFEC. We are confident that such a visit will readily dispel any thought that NAFEC is a "hobby shop."

12. Statement: "Management at the FAA says it doesn't know of a better airborne solution to the problem of mid-air collisions than B–CAS. [Beacon Collision Avoidance System] But other sources at the FAA say this system is a lot of trouble in congested areas, such as near an airport, where the chances for a mid-air collision are the greatest." (November 3; Ms. Ellerbee)

Response: The system NBC saw demonstrated was an active-BCAS. There is no dispute that performance of active-BCAS degrades in high traffic densities. What NBC failed to perceive is that the background material provided to it also included materials on a passive-BCAS under development by FAA that will provide for high performance levels in high density areas. This development effort was ignored in the presentation. Also totally ignored was the conflict alert capability which is operational in all Air Route Traffic Control Centers and is undergoing operational testing in the Houston terminal area. Conflict alert provides the controller with a visual and audio alarm when two or more aircraft are moving into positions which could result in a conflict. This capability will be provided in all ARTS terminals early in 1978.

The FAA readily admits the solution to the mid-air collision problem is a complex one. The FAA continues to seek a viable and cost-effective solution. The FAA believes its current effort, which is in effect a combination of the passive and active-BCAS, is that solution.

13. Statement: "The FAA is also studying cabin fires. There are rules about how flame resistant cabin materials have to be, but even materials that won't flame may give off poisonous smoke and gas. People have been killed by this and it continues to happen. Last April a Southern Airways jet crashed in Georgia. NBC news has learned that autopsies showed some of the 70 people who died, died from smoke and gas from cabin materials. And some of the twenty-four survivors have told investigators stories about cabin materials melting and dripping on their heads. But the FAA has no rules regarding heat, smoke, or toxic gas. The agency has been working on making these rules since the early 70's and admits that it will be at least three or four more years before there are any rules." (November 3; Ms. Ellerbee)

Response: The FAA has a very active program to improve the safety of cabin materials under post crash fire conditions. The work includes development of testing methods and actual testing to permit the identification of acceptable materials and to provide a mathematical model in order to allow a designer to assess the orientation and usage of a candidate material. The FAA's goal is to develop a combined hazard index that will correlate fire, smoke, and toxicity standards. The difficulty in reaching a solution results from the interrelationship of fire, smoke, and toxicity; for example, a process intended to decrease flammability could increase levels of smoke and toxicity.

Additionally, two related notices of proposed rulemaking and one advanced notice of proposed rulemaking dealing with flammability, smoke and toxic gas, respectively have been issued. The comments received indicate these characteristics cannot be treated separately. The FAA agrees and issued, in July 1977, a notice of hearings to be held on compartment interior materials in transport category airplanes, from November 14–16, 1977, in Washington, D.C. There was extensive participation by both U.S. and foreign aviation specialists.

In early October the FAA awarded a contract to develop, during a two-year study, a method to rank, according to its combustion hazards, each material used in airlines. The new method would compare the flammability, smoke and toxic gas characteristics of a burning material with physiological tolerances and establish a combined hazard index that could be used in aircraft cabin design.

The FAA also has full-scale fire testing of a wide-body jet fuselage underway at NAFEC. The test is being conducted in three phases and is part of our continuing program to improve passenger survival in aircraft accidents involving fire. The first phase is intended to measure heat, smoke, and gases within the cabin under varying degrees of fire and wind velocities. The second phase is devoted to evaluating interior emergency lighting systems, and the third will involve testing cabin materials for flammability, smoke and toxic gas emissions.

The melting and dripping of plastic materials are intrinsic to the properties of these materials when they are exposed to intense heat. NASA has been experimenting with advanced cabin structural type materials which char when exposed to intense heat or fire. When these materials are developed and approved for installation in aircraft, this particular problem should be resolved.

In view of the complex interrelationships involved, three to four years of additional research is a reasonable estimate of the time it will take to complete a practical, cost effective standard that provides a significant improvement in reducing flammability, smoke and toxicity of interior cabin materials.

14. Statement: "Many pilots, controllers, and airport managers say the best way to get the agency to move is to have a crash. They say the FAA substitutes bandaids for preventive action. And, they say, the bigger the crash, the bigger the bandaid." (November 3; Ms. Ellerbee).

Response: Such comments reflect a lack of comprehension of the FAA's ongoing safety program designed to prevent accidents. Certainly however, it is true that while the FAA is continually seeking ways to prevent accidents, in many cases, previously unknown circumstances only become apparent during an accident investigation which then provides clues for the problem's resolution.

Comments such as those chosen for airing by NBC ignore the great gains that have been made in accident prevention since they are not as spectacular or "news worthy" as showing burning aircraft or discussing mid-air collisions. To say that the best way to get FAA action is to have a crash ignores, for example, the significant improvements made in modern generation aircraft designs and operating capabilities which substantially enhance aviation safety by preventing accidents.

15. Statement: "The Ground Proximity Warning Device was available before the crash near Dulles [on December 1, 1974]. But it was not the result of FAA research and development. The device was developed by private industry in only four years at a cost of only $250 thousand. But it took 93 deaths, and congressional pressure before the FAA made the device required equipment in all airliners." (November 3; Ms. Ellerbee).

Response: On November 2, 1977, a United States District Court issued its findings in a lawsuit brought by the widows of the deceased pilot and co-pilot of the aircraft involved in the crash at Dulles to which NBC refers. The court clearly recognized what NBC ignored. The United States District Court found the pilots involved to be negligent and stated: "The transcript further reveals that at 1108.21, a full minute prior to impact, the altitude alert horn sounded. This was an indication that the aircraft was 500 feet above terrain. It sounded again at 1108.57 and 1109.14. Apparently it was ignored by the entire crew. Nor did any member of the crew, as required by TWA training procedures, verbally notice the sounding." The equipment necessary to prevent this accident was already required and onboard the TWA aircraft that crashed at Dulles.

Long before the Dulles accident, the FAA on April 18, 1973, issued an advanced notice of proposed rulemaking that would have required a Ground Proximity Warning System (GPWS) to be installed on airline aircraft. After reviewing the comments received and after further monitoring of the development of the equipment, FAA issued another notice on September 12, 1974, which proposed more specific requirements for installation of GPWS. Although the Ground Proximity Warning Device referred to was not a product of FAA research and development efforts, it was one of several candidate systems which FAA was evaluating at the time of the Dulles crash. Thus, it is clear that the GPWS was contemplated as being part of the FAA regulatory plan long before the TWA crash.

The device had not been required prior to the crash due to problems associated with its use. The most notable problem was that of false alarms. The device was susceptible to "sounding off" under conditions other than close proximity to the ground, which was disconcerting to pilots. As a result there was significant objection among pilots to its implementation.

On December 18, 1974, a final rule was adopted requiring the system to be installed by December 1, 1975. This date had to be extended to allow even further refinement of the system as the large number of false warnings threatened to destroy pilot confidence. Unless equipment has the confidence of the user, it will be of little value. If equipment is required before it can be carefully determined that it will be reliable, the resulting loss of confidence due to failure may not even be overcome by correction of the equipment's deficiencies. Equally important, to imply that the simple addition of equipment would prevent an accident ignores the need to use and rely on that equipment.

In this respect, it must also be noted that, while the rulemaking efforts for GPWS were underway, the FAA, in March 1973, urged all airlines to modify their radar altimeters to provide an automatic aural warning that would alert pilots when an aircraft was within 500 feet of the ground. The TWA airplane involved in the Dulles accident had this equipment installed and the aural warning sounded at 500 feet above the terrain at least twice before the impact and, as the Court found, in sufficient time for the pilot to have taken corrective actions.

16. Statement: "Rod Dennis is an inventor, an engineer and a pilot. In 1967, Dennis developed a theory about what caused two airline crashes in Cincinnati. Dennis linked the crashes to an instrument called the barometric altimeter. The control tower takes the barometric readings, and by radio gives it to the pilot to help him compute his altitude. But, if the tower is in a dry mass of air and the plane, a few miles away, is in wet air, it can cause the barometric altimeter in the cockpit to be inaccurate. Because of that said Dennis, the pilot may think he is higher off the ground than he really is and he may keep on thinking so until he crashes." (November 4; Ms. Ellerbee)

Response. Mr. Dennis' interview implied that a barometric setting given by a facility could be the barometric pressure of dry air when in fact the aircraft is traversing a moist environment some distance from the facility. He concludes that the moist/dry air difference could cause sufficient altimeter error for the aircraft to descend into the terrain. Mr. Dennis is correct in the conclusion that moist (wet) air weighs less than dry air. However, he grossly exaggerated the effect of humidity on density altitude; i.e., at an altitude of 1000 feet, dry air pressure would indicate on an altimeter less than 20 feet lower than the moist (wet) air pressure indication. The terminal area procedures have a sufficient safe altitude margin to compensate for a nonstandard atmosphere. In addition, all airline turbine-powered airplanes are equipped with radar altimeters which measure precise heights above the ground.

17. Statement: "They told me—now this is going to be sort of like a wrench in the work, see—don't tell anybody about it, let us find you, we don't want to disturb the status quo of the accidents of the past that we caused by this, because it would be a can of worms for us." (November 4; Mr. Dennis)

"We asked Dennis what he thought that meant." (Ms. Ellerbee)

"That enterprising attorneys would jump out, reopen the cases, and come back with suits against the government for giving wrong information to the pilot causing the accident." (Mr. Dennis).

"The FAA agrees with Dennis' theory that the barometric altimeter can cause problems, but denies telling him to be quiet because of potential lawsuits. And the FAA still has no solution to the problems with the barometric altimeter. Critics of the FAA say Rod Dennis' story is not an isolated example, but part of a pattern of an agency that makes mistakes, then tries to ignore them or cover up." (Ms. Ellerbee)

Response: The allegations of a cover up are absurd on their face. Mr. Dennis himself states in the telecast that "They sent—immediately sent wires to all the weather bureaus throughout the nation in which they told them to be care—be aware of the phenomena of moisture on approach with a

dry tower, which would cause the altimeter problem to exist." It is totally inconsistent for Mr. Dennis to state in the first instance that the FAA immediately sent out telegrams while alleging that the FAA attempted to keep this matter quiet. Additionally, the FAA employee with whom Mr. Dennis met, states that not only did he not ask Mr. Dennis to "be quiet because of potential lawsuits," but that he referred Mr. Dennis to another agency, the Civil Aeronautics Board, whose responsibility it was, at that time, to analyze any pertinent data relative to aircraft accidents and to determine probable cause. An agency attempting to cover up a problem and keep it quiet would certainly not refer the matter to another agency which would be responsible for determining if that problem had caused an accident.

18. Statement: "[c]ritics point to the FAA actions in the international search for a new landing system, microwave equipment that would enable planes to make controlled instrument landings in all conditions. Only one system will be chosen and it is intended to be used worldwide. Millions of dollars have and will be spent, and the choices come down to the system designed by the FAA, shown here, or the system designed by the British. It is supposed to be a friendly, scientific search for the safest possible system. But the British say the FAA has cheated." (November 4; Ms. Ellerbee).

"But what are the ramifications of these errors? Lincoln Laboratories says its integrity is in question because of the FAA. In London, British aviation authorities are extremely upset. A source who was looking into the situation for the White House is concerned relations with a friendly country have been damaged. And a group of congressmen is challenging the FAA actions in this matter." (Ms. Ellerbee).

Response: While we will not dispute that FAA errors have occurred in the context of the MLS program, we nevertheless believe that the allegation that "the FAA has cheated" lacks foundation. As the Honorable Dale Milford, Chairman, House Subcommittee on Transportation, Aviation and Weather, stated at a Congressional Hearing on September 27, 1977: "I believe I was the first Congressman to begin examining, in detail, the Doppler—TRSB argument. And over the past two years I have looked at it longer and harder perhaps than any other member of Congress. During this period of time I have found no evidence of foul play by either the FAA technicians or scientists nor those from Great Britain."

The following letter from Chairman Milford to the Honorable Olin E. Teague, Chairman, Committee on Science and Technology, provides additional insight concerning the MLS problem:

COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, D.C., November 3, 1977.

Hon. OLIN E. TEAGUE,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the microwave landing system (MLS) controversy has been the subject of considerable interest to the Subcommittee over the past year.

During that period of time, the Subcommittee has been very reluctant to officially speak out on the issue for fear of upsetting the international decision-making process.

Unfortunately, some persons have sought to take advantage of this situation by attempting to drive a wedge between the Subcommittee Members. By making certain blatant and false statements about the U.S. MLS program and MIT's Lincoln Laboratory, these persons hoped to create confusion in the Subcommittee and delay in the international process. Heretofore, their success has been premised on the fact that little or no response to their allegations would be forthcoming because of the complexity of the issues and delicacy of international negotiations.

I believe that we can no longer countenance such activities. It is time for the Subcommittee to unite and to respond to these false allegations directed toward American programs and institutions. I would therefore call to your attention the enclosed letter which I have just received from the MIT Lincoln Laboratory.

This letter is a response to allegations being circulated by a U.K. commercial firm lobbyist—allegations which have been intended to discredit the AWOP decision and the work of Lincoln Labs.

In short, Lincoln indicates that there has always been an open invitation for any interested party to visit the laboratory and use the programs, that in fact the U.K. availed themselves of this opportunity on at least two occasions, that twenty-two reports describing the simulation techniques and results have been distributed to the U.K., and that the entire TRSB computer tape and documentation was given to the CAA in September, 1977.

I think it is necessary to bear in mind that Lincoln was requested to perform the MLS simulations because of its highly regarded expertise and integrity and that AWOP considered the work of the laboratory to be reliable and extremely helpful.

The Massachusetts Institute of Technology and the Lincoln Laboratory have enjoyed a long history of world respect for their contribution to aviation electronics.

It is a travesty to allow their reputation to be wrongfully and viciously slandered.

The Subcommittee, as a responsible agent of Congress, should do everything in its power to ensure that this situation is rectified.

I strongly urge that you devote your attention to this matter and to the enclosed document.

Sincerely,

DALE MILFORD,
Chairman, Subcommittee on Transportation, Aviation and Weather.

The following statement, extracted from the "Aviation Daily" (November 8, 1977, page 45), sheds additional light on the NBC statements: "A new FAA attitude towards cooperation with the U.K. on selection of an international microwave landing system has drawn praise from the U.K. Civil Aviation Authority. 'It would not be good if the International Civil Aviation Organization does not select a standard system at the world meeting in April,' M. F. Whitney, CAA representative to the ICAO panel that studies MLS choices, told The DAILY. 'But Langhorne Bond's statements to a congressional subcommittee in late September on his willingness for FAA to perform comparative field tests of the two MLS systems and freely exchange information leads me to believe there is chance of an agreement between FAA and the CAA on the better system before the world meeting' he said."

In sum, the development of an MLS is a complex undertaking involving thousands of details. Human errors do occur; however, the FAA has never knowingly attempted to mislead anyone as to the viability of the TRSB MLS program. The FAA has taken the lead in attempting to achieve an international agreement on the version of the MLS to be employed worldwide thereby contributing to a higher level of aviation safety for all air travelers.

19. Statement: "This is the wreckage of an Eastern Airlines plane that crashed in New York in 1975. An FAA source says the Agency took money from other safety programs in order to develop microwave equipment. He says one of the projects dropped was the study of windshear, the sudden change in speed and direction of the wind. And, he says, that money was not put back until after 113 people died in this crash caused by windshear."

Response: This statement is incorrect. The FAA has continuously funded the development of a wind and windshear detection system since 1972—well before the June 1975 accident at JFK Airport. No funds were diverted from the windshear program to the MLS program.

An initial windshear system has been developed and is currently being used at Dulles International Airport to study low-level windshear conditions and their causes in an active airport environment.

GENERAL LEAVE

Mr. STEERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order on November 30, 1977, by the gentleman from New York, Mr. WYDLER.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. WHITE (at the request of Mr. WRIGHT) for November 29 and 30, on account of official business.

Mrs. CHISHOLM (at the request of Mr. WRIGHT) for this week, on account of a necessary absence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STEERS) to revise and extend their remarks and include extraneous material:)

Mr. HAMMERSCHMIDT, for 60 minutes Thursday, December 1.

Mr. ASHBROOK, for 20 minutes, today.

Mr. WYDLER, for 30 minutes Wednesday, November 30.

Mr. MICHEL, for 5 minutes, today.

Mr. MCDADE, for 10 minutes, today.

Mr. CORCORAN of Illinois, for 5 minutes, today.

Mr. EVANS of Delaware, for 5 minutes, today.

(The following Members (at the request of Mr. WHITLEY), to revise and extend their remarks, and to include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DODD, for 5 minutes today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. FOUNTAIN, for 5 minutes, today.

Mr. ADDABBO, for 5 minutes, today.

Mr. TEAGUE, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. STOKES, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. RONCALIO, for 5 minutes, today.
Mr. GIAIMO, for 5 minutes, today.
Mr. BEDELL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MILFORD, 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 $2,093.

Mr. MILFORD, in the extension of remarks in five instances.

(The following Members (at the request of Mr. STEERS) and to include extraneous material:)

Mr. ARCHER in two instances.
Mr. SYMMS in four instances.
Mr. DERWINSKI in three instances.
Mr. WHITEHURST in two instances.
Mr. CARTER.
Mr. PRESSLER.
Mr. EVANS of Delaware in two instances.
Mr. BADHAM.
Mr. DON H. CLAUSEN.
Mr. TAYLOR.
Mr. ASHBROOK in four instances.
Mr. GRASSLEY.
Mr. SKUBITZ.
Mr. BOB WILSON in five instances.
Mr. LAGOMARSINO.
Mr. MICHEL in two instances.
Mr. BROWN of Michigan.
Mr. COHEN.
Mr. HANSEN in six instances.
Mr. WYLIE.
Mr. RUDD.
Mr. GOODLING.
Mr. THONE.
Mr. GILMAN.

(The following Members (at the request of Mr. WHITLEY) and to include extraneous matter:)

Mr. FRASER in six instances.
Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. FISHER in 10 instances.
Mr. DINGELL.
Mr. IRELAND.
Mr. MINETA in two instances.
Mr. BAUCUS in three instances.
Mr. MAZZOLI in three instances.
Mr. ADDABBO.
Mr. CORRADA.
Mr. HAMILTON in two instances.
Mr. WIRTH in two instances.
Mrs. SCHROEDER.
Mr. NATCHER.
Mr. MOTTL.
Ms. OAKAR in two instances.
Mr. AUCOIN in two instances.
Mr. EILBERG in five instances.
Mr. WOLFF in two instances.
Mr. MURTHA.
Mr. FORD of Michigan.
Mr. KOSTMAYER in two instances.
Mrs. MEYNER in two instances.
Mr. BRADEMAS in 10 instances.
Mr. DOWNEY.
Mr. HUBBARD.
Mr. MOORHEAD of Pennsylvania in two instances.
Mr. OBERSTAR in two instances.
Mr. DELLUMS.
Mr. POAGE in two instances.
Mr. JOHNSON of California.
Mr. PATTERSON of California.
Mr. GAYDOS.
Mr. AMBRO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2328. An act to amend Private Law 95–21 to make a technical correction therein; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1131. An act to authorize appropriations for Nuclear Regulatory Commission for the fiscal year 1978, and for other purposes.

THE LATE HONORABLE JOHN L. McCLELLAN

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Speaker, I offer a privileged resolution.

The Clerk read the resolution, as follows:

H. RES. 918

Resolved, That the House has heard with profound sorrow of the death of the Honorable JOHN L. MCCLELLAN, a Senator of the United States from the State of Arkansas.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of four Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Mr. HAMMERSCHMIDT, Mr. ALEXANDER, Mr. THORNTON, and Mr. TUCKER.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 7 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 30, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2724. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

2725. A letter from the Deputy Assistant Secretary of Defense (Management Systems), transmitting revisions to the selected acquisition reports and SAR summary tables for the quarter ended September 30, 1977, pursuant to section 811(a) of Public Law 94–106; to the Committee on Armed Services.

2726. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting a proposed final regulation governing grants to institutions of higher education under the higher education personnel training program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

2727. A letter from Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations for career education and career development programs, pursuant to section 431 (d) of the General Education Provisions Act; to the Committee on Education and Labor.

2728. A letter from the Acting Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations for student consumer information services, pursuant to section 431(d) of the General Education Provisions Act; to the Committee on Education and Labor.

2729. A letter from the Director of ACTION, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2730. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during October 1977, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

2731. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Government Printing Office as of September 30, 1976 (FOD–77–5, November 25, 1977), pursuant to 44 U.S.C. 309(c); to the Committee on Government Operations.

2732. A letter from the Comptroller General of the United States, transmitting a report on the Transfer Income Model and its uses within the Federal Government to analyze welfare programs (PAD–78–14, November 25, 1977); to the Committee on Government Operations.

2733. A letter from the Acting Deputy Assistant Secretary of Agriculture and the Acting Assistant Secretary of the Interior, transmitting notice of their intention to publish proposed final regulations governing fees for livestock grazing on Federal lands in the Western States, pursuant to section 401(a) of the Federal Land Policy and Management Act of 1976; to the Committee on Interior and Insular Affairs.

2734. A letter from the Chief Commissioner, U.S. Court of Claims, transmitting a report on the allowance of the attorney expense claim in docket No. F–15, Davis, Wright, Todd, Riese & Jones, pursuant to section 20 of the Alaska Native Claims Settlement Act; to the Committee on Interior and Insular Affairs.

2735. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the United Kingdom to transfer certain U.S.-origin military equipment to Denmark, pursuant to section 3 of the Arms Export Control Act; to the Committee on International Relations.

2736. A letter from the Acting Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting a report on the international disaster assistance program for the quarter ended September 30, 1977, pursuant to section 492 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

2737. A letter from the Acting Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting the second semiannual report on participation by small business in procurement programs of the Agency, pursuant to section 602 of Public Law 94–329; to the Committee on International Relations.

2738. A letter from the Chairman, Securities and Exchange Commission, transmitting the report of the Advisory Committee on Corporate Disclosure; to the Committee on Interstate and Foreign Commerce.

2739. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the fee provisions of the U.S. patent and trademark laws; to the Committee on the Judiciary.

2740. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended (79 Stat. 915); to the Committee on the Judiciary.

2741. A letter from the Chairman, Administrative Conference of the United States, transmitting a report on legislative veto of administrative regulations, pursuant to 5 U.S.C. 575; to the Committee on the Judiciary.

2742. A letter from the Administrator of General Services, transmitting a prospectus proposing a succeeding lease for space currently occupied at the Ford Building, 555 West 57th Street, New York, N.Y.; to the Committee on Public Works and Transportation.

2743. A letter from the Under Secretary of Defense (Research and Engineering), transmitting a report on Department of Defense procurement from small and other business firms for October 1976 to May 1977, pursuant to section 10 (d) of the Small Business Act, as amended; to the Committee on Small Business.

2744. A letter from the Chairman, Federal Election Commission, transmitting a copy of correspondence sent to the Office of Management and Budget, pursuant to section 310(d)(1) of the Federal Election Campaign Act, as amended; jointly, to the Committees on Appropriations, and House Administration.

2745. A letter from the Assistant Administrator for Planning and Management, U.S. Environmental Protection Agency, transmitting a report on the number of employees in each General Schedule grade employed by EPA on September 30, 1976, and September 30, 1977, pursuant to section 1310 of the Supplemental Appropriations Act of 1952; jointly, to the Committees on Appropriations, and Post Office and Civil Service.

2746. A letter from the Comptroller General of the United States, transmitting a report on Air Force maintenance depots (LCD–78–403, November 23, 1977); jointly, to the Committees on Government Operations, and Armed Services.

2747. A letter from the Comptroller General of the United States, transmitting a report on the Defense Department's consideration of West Germany's Leopard as the Army's new main battle tank (PSAD–78–1, November 28, 1977); jointly, to the Committees on Government Operations, and Armed Services.

2748. A letter from the Comptroller General of the United States, transmitting a followup report on the five Federal service academies (FPCD–77–78, November 25, 1977); jointly, to the Committees on Government Operations, Armed Services, and Merchant Marine and Fisheries.

2749. A letter from the Comptroller General of the United States, transmitting a report on uranium enrichment policies and operations (EMD-77-64, November 18, 1977); jointly, to the Committee on Government Operations, Interior and Insular Affairs, and Science and Technology.

2750. A letter from the Secretary of Commerce, transmitting the annual report for calendar year 1976 on ocean dumping research, pursuant to section 201 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended; jointly, to the Committees on Merchant Marine and Fisheries, and Science and Technology.

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. YOUNG of Texas: Committee on Rules. House Resolution 916. Resolution providing for the consideration of the bill (S. 1340) to authorize appropriations to the Energy Research and Development Administration for energy research, development, demonstration, and related programs in accordance with section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes (Rept. No. 95–821). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 917. Resolution providing for the consideration of the joint resolution (H.J. Res. 662) making further continuing appropriations for the fiscal year 1978, and for other purposes (Rept. No. 95–822). Referred to the House Calendar.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 662. Joint resolution making further continuing appropriations for the fiscal year 1978, and for other purposes (Rept. No. 95–824). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee of conference. Conference report on S. 1316 (Rept. No. 95–823). Ordered to be printed.

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 Mr. HARRINGTON, and Mr. TSONGAS):

H.A. 10121. A bill to amend title 38 of the United States Code in order to provide for the payment of service pensions to veterans of World War I and for certain surviving spouses and certain children; to the Committee on Veterans' Affairs.

By Mr. ANDREWS of North Dakota (for himself and Mr. MURPHY of New York):

H.R. 10122. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide persons who own farm operations and businesses with more equitable compensation when they are displaced from such farm operations and businesses by the Federal Government: to the Committee on Public Works and Transportation.

By Mr. BAFALIS (for himself, Mr. BENJAMIN, Mr. BYRON, Mr. CHAPPELL, Mr. COUGHLIN, Mr. EILBERG, Mr. KELLY, Mr. MARRIOTT, Mr. MURPHY of New York, Mr. O'BRIEN, Mr. ROONEY, and Mr. SYMMS):

H.R. 10123. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly, to increase the amount of such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. BEDELL (for himself, Mr. BROWN of California, Mr. CONABLE, Mr. CONTE, Mr. CORCORAN of Illinois, Mr. CORNELL, Mr. DEVINE, Mr. DODD, Mr. DORNAN, Mr. EDGAR, Mr. HARRINGTON, Mr. HYDE, Ms. KEYS, Mr. KILDEE, Mr. LEACH, Mr. LLOYD of California, Mr. MAZZOLI, Mr. MCHUGH, Mr. OTTINGER, Mr. PEASE, Mr. PRITCHARD, Mrs. SCHROEDER, Mr. STEERS, Mr. ULLMAN, and Mr. VAN DEERLIN):

H.R. 10124. A bill to amend title 18, United States Code, to prohibit Members of the Congress from mailing or otherwise using official congressional stationery for any purpose other than official congressional business; to the Committee on the Judiciary.

By Mr. BROWN of Michigan (for himself and Mr. CORCORAN of Illinois):

H.R. 10125. A bill to simplify and improve the Truth in Lending Act, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BURKE of California (for herself Mrs. SCHROEDER, Mr. LEHMAN, Mrs. SPELLMAN, Mr. GILMAN, Mr. CORCORAN of Illinois, Mr. NIX, Mr. SOLARZ, Mr. METCALFE, Mr. RYAN, Mr. DICKS, and Mr. CLAY):

H.R. 10126. A bill to amend title 5, United States Code, to establish a program to increase part-time career empoyment within the civil service; to the Committee on Post Office and Civil Service.

By Mr. CARTER:

H.R. 10127. A bill to amend section 111 of title 23, United States Code, relating to agreements for the use of and access to the rights-of-way of the Interstate System; to the Committee on Public Works and Transportation.

By Mr. CORNWELL:

H.R. 10128. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 10129. A bill to provide more effectively for the use of interpreters in courts of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 10130. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for work performed in prison industries and other services performed for remuneration by inmates of penal institutions; to the Committee on Ways and Means.

By Mr. CORRADA (for himself, Mr. BADILLO, Mr. HORTON, Mr. DE LA GARZA, Mr. ROE, Mr. MOORHEAD of Pennsylvania, and Mr. DE LUGO):

H.R. 10131. A bill to provide Federal assistance to the Commonwealth of Puerto Rico for the construction of a youth recreation center in honor of Roberto Clemente; jointly, to the Committees on Government Operations and Interior and Insular Affairs.

By Mr. HEFTEL:

H.R. 10132. A bill to amend the Small Business Act to provide graduated amounts of loan guarantees to minority small business concerns with respect to loans for the acquisition of the construction, conversion, or expansion of certain broadcast or cable facilities, and to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain on certain sales and exchanges of broadcast or cable facilities involving small business concerns; jointly, to the Committees on Small Business and Ways and Means.

By Mr. HYDE (for himself, Mr. BAUCUS, Mr. BURGENER, Mr. COLLINS of Texas, Mr. CORCORAN of Illinois, Mr. FRENZEL, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LENT, Mr. MCCLORY, Mr. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. ROBINSON, and Mr. ROUSSELOT):

H.R. 10133. A bill to amend title 18, United States Code, relating to the production of false documents or papers of the United States, and the use of false information in obtaining official documents and papers of the United States, involving an element of identification; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. BENJAMIN):

H.R. 10134. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. LUNDINE, Mr. SKELTON, and Mr. MILLER of Ohio):

H.R. 10135. A bill to have an inscription and appropriate medals, ribbons, and tributes placed upon the crypt at the National Cemetery at Arlington, Va., reserved for an American soldier who lost his life in Southeast Asia during the Vietnam era, and whose identity is unknown; to the Committee on Veterans' Affairs.

By Mr. KEMP (for himself, Mr. ARCHER, Mr. BURKE of Florida, Mr. DEL CLAWSON, Mr. COUGHLIN, Mr. DAN DANIEL, Mr. GRADISON, Mr. HAMMERSCHMIDT, Mr. HARSHA, Mr. KELLY, Mr. MADIGAN, Mr. MICHAEL O. MYERS, Mr. REGULA, Mr. ROBINSON, Mr. SHUSTER, Mr. STANTON, Mr. STEERS, Mr. STEIGER, and Mr. TAYLOR):

H.R. 10136. A bill to provide for permanent tax rate reductions for individuals and businesses; to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 10137. A bill to amend title 5 of the United States Code to make war orphans, children of disabled veterans, and spouses, mothers, and children of members of the armed forces missing in action or captured, eligible for preference in civil service competitive appointments; to the Committee on Post Office and Civil Service.

By Mr. LOTT (for himself and Mr. LIVINGSTON):

H.R. 10138. A bill to amend title XI of the Merchant Marine Act, 1936, to permit the guarantee of obligations for financing fishing vessels in an amount not exceeding 87½ percent of the actual or depreciated actual cost of each vessel; to the Committee on Merchant Marine and Fisheries.

By Mr. MATHIS:

H.R. 10139. A bill to effect certain reorganization of the Federal Government to strengthen Federal programs and policies for combating international and domestic terrorism; jointly, to the Committees on International Relations, the Judiciary, and Public Works and Transportation.

By Mr. MATHIS (for himself, Mr. EVANS of Georgia, Mr. GINN, Mr. BRINKLEY, and Mr. BARNARD):

H.R. 10140. A bill to provide parity to farmers and to prevent interruptions in the supply of food to American consumers; to the Committee on Agriculture.

By Ms. OAKAR (for herself, Mr. ASHBROOK, Mr. CORRADA, Mr. COUGHLIN, Mr. DINGELL, Mr. EILBERG, Mr. GUYER, Mr. LEDERER, Mr. MCHUGH, Mr. MARKS, Mr. MURPHY of Illinois, Mr. PEPPER, Mr. ROBINSON, Mr. ROE, Mr. STOKES, and Mr. BOB WILSON):

H.R. 10141. A bill to require that the Hungarian Crown of Saint Stephen and other relics of the Hungarian royalty remain in the custody of the U.S. Government and that they not be transported out of the United States, unless the Congress provides otherwise by legislation; to the Committee on International Relations.

By Mr. OBERSTAR:

H.R. 10142. A bill to amend the Federal Reserve Act to direct the Federal Open Market Committee to regulate the extension of the money supply to achieve steady growth rates of money, to reduce the rate of inflation, and to encourage continued growth of the economy; to the Committee on Banking, Finance and Urban Affairs.

H.R. 10143. A bill to amend the Railroad Retirement Act of 1974 to permit certain voluntary military service to be counted toward the years-of-service requirement for benefits under such act; to the Committee on Interstate and Foreign Commerce.

By Mr. RINALDO:

H.R. 10144. A bill to delay for 6 months the effective date of the increase in the hospital deductible for 1978 under part A of the medicare program; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself, Mr. AKAKA, Mr. BOWEN, Mr. BUCHANAN, Mr. CAPUTO, Mr. DERRICK, Mr. DOWNEY, Mr. EDWARDS of California, Mr. GILMAN, Mr. HARRINGTON, Mr. HARRIS, Mr. HYDE, Mr. LOTT, Mr. MCFALL, Mr. MINETA, Mr. MIKVA, Mr. NOWAK, Mr. PATTERSON of California, Mr. PATTISON of New York, Mr. ROE, Mr. THOMPSON, Mr. TREEN, and Mr. TRIBLE):

H.R. 10145. A bill to assist cities and States by amending section 5136 of the Revised Statutes, as amended, with respect to the authority of national banks to underwrite and deal in securities issued by State and local governments, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DOWNEY:

H.R. 10146. A bill to provide policies, methods, and criteria for the acquisition of property and services by executive agencies; to the Committee on Government Operations.

H.R. 10147. A bill to exempt companies which are engaged in investing in new business securities from the provisions of the Investment Company Act of 1940; to the Committee on Interstate and Foreign Commerce.

H.R. 10148. A bill to amend the Internal Revenue Code of 1954 to increase the corporate surtax exemption, to provide for the deferral of gain from the sale or exchange of certain stock, and for other purposes; to the Committee on Ways and Means.

H.R. 10149. A bill to establish a national corporation to finance, through loan guaranties and loans, high-risk efforts which seek to develop and demonstrate technologies to meet critical national needs and which are unable to secure adequate funds through existing sources, to strengthen and insure congressional participation in the continuing review of Government operations and activities, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Science and Technology, and Rules.

By Mr. GONZALEZ:

H.R. 10150. A bill to amend title 38, United States Code, to establish a loan program to provide educational assistance to Vietnam-era veterans and their eligible dependents who were unable to complete a program of education before the expiration of their eligibility for benefits under the GI bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Iowa (for himself, Mr. CHARLES WILSON of Texas, Mr. BAUMAN, Mr. CORNELL, Mr. TREEN, Mr. BADILLO, Mr. KAZEN, Mr. BROYHILL, Mr. HOWARD, Mr. MARLENEE, Mr. GLICKMAN, Mr. WEAVER, Mr. HUGHES, Mr. CORNWELL, Mr. CARTER, and Mr. ABDNOR):

H.R. 10151. A bill to amend the Rural Development Act of 1972 to require that loan guarantees from the Farmers Home Administration be no less favorable to borrowers than those offered by the Department of Housing and Urban Development; to the Committee on Agriculture.

By Mr SMITH of Iowa (for himself, Mr. NOLAN, Mr. JONES of Tennessee, Mr. MITCHELL of Maryland, Mr. ENGLISH, Mr. MCCORMACK, Mr. LAGOMARSINO, Mr. CORRADA, Mr. WATKINS, Mr. LAFALCE, Mr. BURGENER, Mr. MOSS, Mr. BLOUIN, Mr. BALDUS, Mrs. LLOYD of Tennessee, Mr. SIMON, Mr. BEVILL, Mr. MURTHA, Mr. GRASSLEY, and Mr. MATHIS):

H.R. 10152. A bill to amend the Rural Development Act of 1972 to require that loan guarantees from the Farmers Home Administration be no less favorable to borrowers than those offered by the Department of Housing and Urban Development; to the Committee on Agriculture.

By Mr. THONE:

H.R. 10153. A bill to insure the quality of imported meat; to the Committee on Agriculture.

By Mr. TUCKER:

H.R. 10154. A bill to provide that reimbursements shall not be required of any provider of medical services with respect to payments made under the medicare program to such provider, if such payments were certified as correct by an agent of the Federal Government and the provider acted in good faith in applying for such payments; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 662. Joint resolution making further continuing appropriations for the fiscal year 1978, and for other purposes; to the Committee on Appropriations

By Mr. MITCHELL of New York:

H.J. Res. 663. Joint resolution memorializing Dr. Mahlon Loomis; to the Committee on Post Office and Civil Service.

By Mr. RYAN:

H.J. Res. 664. Joint resolution to postpone until December 31, 1978, the effective date of the final regulations developed pursuant to the proposed regulations published in the Federal Register dated August 25, 1977 (43 C.F.R. 426), relating to Federal reclamation law, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BEDELL (for himself, Mr. GUYER, Mr. LEACH, Mr. KRUEGER, Mr. PATTISON of New York, Mr. ENGLISH, Mr. BALDUS, Mr. GUDGER, Mr. RUPPE, Mr. HALL, Mr. QUIE, Mr. CAVANAUGH, Mr. PRESSLER, Mr. BEVILL, and Mr. WHITLEY):

H. Con. Res. 420. Concurrent resolution to assure equal access to quality health care for populations located in rural areas; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. DODD (for himself, Mr. GILMAN, Mr. PEPPER, Mr. ZEFERETTI, Mr. BOLAND, Mr. BONIOR, Mr. THOMPSON, Mr. LE FANTE, Mr. YOUNG of Missouri, Mr. REUSS, Mr. GUYER, Mr. KETCHUM, Mr. CORMAN, Mr. MOAKLEY, Mr. MARKS, Mr. HYDE, Mr. CORNWELL, Mr. CORRADA, Mr. KILDEE, Mr. FLOOD, Mr. CONTE, Mr. EDGAR, Mr. KREBS, Mr. WAXMAN, and Mr Mr. ERLENBORN):

H. Res. 919. Resolution; congratulations to the peoples of Egypt and Israel; to the Committee on International Relations.

By Mr. FITHIAN (for himself, Ms. MIKULSKI, Mr. NOLAN, and Mr. DENT):

H. Res. 920. Resolution to require Amtrak, the Urban Mass Transportation Administration, and ConRail to purchase domestic steel and steel products; to the Committee on Government Operations.

By Mr. SMITH of Iowa:

H. Res. 921. Resolution to provide funds for the further expenses of the investigations and studies of the Committee on Small Business; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORRADA:

H.R. 10155. A bill for the relief of Elvira Giambartolomei de Guzman, M.D.; to the Committee on the Judiciary.

By Mr. FLOWERS:

H.R. 10156. A bill for the relief of Chin-Pao Shao; to the Committee on the Judiciary.

By Mr. KETCHUM:

H.R. 10157. A bill for the relief of Kern Painting and Sandblasting, Inc.; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 10158. A bill for the relief of Policarpo Polla Garcia; to the Committee on the Judiciary.

By Ms. MIKULSKI:

H.R. 10159. A bill for the relief of Adolfo Streit; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 10160. A bill to provide for the conveyance of title and ownership to 2.58 acres within the Bridger-Teton National Forest, Wyo., to Ben Boschetto, Jr.; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 10161. A bill for the relief of Eastern Telephone Supply and Manufacturing, Inc.; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 10162. A bill for the relief of Calvin Graham; to the Committee on the Judiciary.

By Mr. YATRON:

H. Con. Res. 421. Concurrent resolution commending the members of Billard Barbells softball team of Reading, Pa., for their contribution to amateur sports in winning the 1977 U.S. Amateur Softball Association Championships; to the Committee on Post Office and Civil Service.

PETITIONS, ETC.

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

347. By Mr. QUILLEN: Petition of Dr. Joe Chambers, Erwin, Tenn., relative to repeal of the withholding tax law; to the Committee on Ways and Means.

348. Also, petition of Mr. Frank Gentry, Erwin, Tenn., relative to repeal of the withholding tax law; to the Committee on Ways and Means.

349. Also, petition of Mr. Jim McMackin, Erwin, Tenn., relative to repeal of the withholding tax law; to the Committee on Ways and Means.

350. Also, petition of R. E. Moore, Erwin, Tenn., relative to repeal of the withholding tax law; to the Committee on Ways and Means.

351. Also, petition of Mr. L. Kent Roller, Erwin, Tenn., relative to repeal of the withholding tax law; to the Committee on Ways and Means.

352. By the SPEAKER: Petition of the board of governors, Nashville Area Chamber of Commerce, Tennessee, relative to national security and military preparedness; to the Committee on International Relations.

353. Also, petition of the Commission of Ex-Residents of Portuguese Decolonized Territories, New Bedford, Mass., relative to waiving immigration restrictions; to the Committee on the Judiciary.

AMENDMENTS

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

S. 1340

By Mr. TEAGUE:

(Amendment in the nature of a substitute.)

Amend the title by striking "Energy Research and Development Administration" and insert in lieu thereof "Department of Energy."

Amend the enacting clause by striking "ERDA" and inserting in lieu thereof "Department of Energy."

Strike all after the enacting clause and insert the following:

SEC. 2. In accordance with section 261 of the Atomic Energy Act of 1954 (42 U.S.C. 2017), section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915), there is hereby authorized to be appropriated to the Department of Energy, for energy research, development and demonstration, and related activities, the sum of $6,081,445,000.

TITLE I—ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION, AND RELATED ACTIVITIES

OPERATING EXPENSES

SEC. 101. For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

Fossil Energy Development

(1) Coal:

(A) Coal liquefaction, $107,000,000.

(B) High Btu gasification (coal)), $51,-200,000.

(C) Low Btu gasification (coal)), $73,-900,000.

(D) Advanced power systems, $25,500,000.

(E) Direct combustion (coal)), $65,200,000.

(F) Advanced research and supporting technology, $50,000,000: *Provided*, That of those funds authorized, funds as may be necessary are hereby authorized for the following purpose: The Secretary of Energy shall conduct a feasibility study of the technology and the commercial applications of the process of fine grinding of coal and dry vegetable residues for the purpose of preparing these substances as clean burning fuels.

(G) Demonstration plants and major test facilities (coal)), $60,900,000.

(H) Magnetohydrodynamics, $70,800,000: *Provided*, That at least 5 percent of the amount appropriated for magnetohydrodynamics shall be expended for closed cycle technology.

(2) Petroleum and natural gas:

(A) Enhanced oil recovery, $46,100,000.

(B) Enchanced gas recovery, $30,000,000.

(C) Drilling, exploration and offshore technology, $7,600,000.

(D) Processing and utilization, $1,400,000.

(3) Oil shale and in situ technology:

(A) Oil shale, $28,000,000.

(B) in situ coal gasification, $19,000,000.

Solar Energy Development

(4) Thermal applications, $104,700,000, including $94,400,000 for heating and cooling of buildings.

(5) Fuels from biomas, $20,500,000; and under such rules and regulations as he may establish, the Department of Energy is authorized to guarantee a loan or loans for the demonstration of a 50 MW wood-fueled power generating facility.

(6) Other Solar Energy Programs, $219,-700,000, including $7,000,000 for a parallel design work for small community applications.

Geothermal Energy Development

(7) Engineering research and development $15,500,000.

(8) Resource exploration and assessment, $17,600,000.

(9) Hydrothermal technology applications, $28,000,00.

(10) Advanced technology applications, $24,300,000.

(11) Utilization experiments, $16,000,000.

(12) Environmental control and institutional studies, $8,100,000.

(13) Low head hydroelectric program, $15,000,000.

Conservation Research and Development

(14) Electric energy systems and energy storage:

(A) Electric energy systems, $36,800,000.

(B) Energy storage systems, $48,500,000.

(15) End use conservation and technologies to improve efficiency:

(A) Industrial energy conservation, $38,-000,000.

(B) Buildings and community systems, $59,500,000: *Provided*, That $2,000,000 of such sum are hereby authorized for a research and development program in residential gas and oil furnaces.

(C) Transportation energy conservation, $87,000,000, of which $1,000,000 shall be available to the Alternative Fuels Utilization Program for study of automotive utilization of alcohol fuels and blends: *Provided*, That, of those funds authorized for the Alternative Fuel Utilization Program, funds as may be necessary are hereby authorized for the Department of Energy to conduct studies to determine the feasibility of utilizing existing distillery facilities or other types of refineries including but not limited to sugar refineries, in the implementation of programs to extend the supply of gasoline by means of a mixture of gasoline and alcohol.

(D) Improved conversion efficiency, $69,-700,000.

(16) Energy extension service, $8,000,000.

(17) Small grants for appropriate technology, $8,000,000.

Environment and Safety Research and Development.

(18) Environmental and Safety Research and Development:

(A) Overview and Assessment, $50,010,000.

(B) Environmental Research, $143,970,000.

(C) Life Sciences Research, $38,113,000.

(D) Decontamination and Decommissioning, $19,000,000.

Nuclear Research and Development

(19) Magnetic fusion, $207,900,000.

(20) Fuel cycle research and development, $363,885,000, including $20,000,000 for international spent fuel disposition, pursuant to section 107 and including $13,000,000 for research, development, assessment, evaluation, and other activities at the Barnwell Nuclear Fuels Plant related to alternative fuel cycle technologies, safeguard systems, spent fuel storage and waste management, except that none of the authorized funds may be used for operations of the plant to process spent fuel from reactors.

(21) Liquid metal fast breeder reactor, $333,300,000: *Provided*, That $5,000,000 of such sums are hereby authorized for research and development on means to reduce the ability to divert plutonium from its intended purposes and to increase the detectability of plutonium if it should be so diverted.

(22) Nuclear research and applications, $228,829,000.

(23) Light water reactor safety facilities, $24,000,000.

(24) High energy physics, nuclear physics, and basic energy sciences, $413,394,000.

(25) Nuclear materials security and safeguards, $40,106,000.

(26) Uranium enrichment, $989,185,000.

All Other Programs, $444,604,000, including—

(27) (i) Not more than $1,000,000 for the Water Resources Council to carry out the provisions of section 13 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5912);

(ii) Funds to carry out the provisions of section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42

U.S.C. 5910), in the amount of $500,000 for the Council on Environmental Quality; and

(iii) Program management and support:

(a) Program direction, $222,900,000.

(b) Institutional relations, $34,179,000, including funds to reimburse the National Bureau of Standards for costs incurred in carrying out the provisions of section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5913), as amended and including $1,800,000, is authorized to be appropriated pursuant to this paragraph (iii) for financial awards by the Department of Energy to independent inventors for the purpose of carrying out section 14 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5913) as amended.

(c) Supporting activities, $37,460,000.

(d) International cooperation, $5,000,000.

Prior Year Authorizations

(28) The sum of $40,000,000 which represents the portion of the appropriations heretofore made in the total amount of $56,000,000 for project 76–1–a (clean boiler fuel demonstration plant (A–E) and long-lead procurement) which remains unobligated and is no longer needed is hereby authorized to be made available instead, in addition to any amounts appropriated for the purposes involved pursuant to this Act for the low Btu gasification program.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. (a) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

(1) Conservation Research and Development:

(A) Project 78–1–a, high bay addition, Los Alamos Scientific Laboratory, New Mexico, $800,000.

(2) Fossil Energy Development:

(A) Project 78–2–a, analytical research, chemistry and coal carbonization laboratory, Pittsburgh Energy Research Center, Pennsylvania, $6,600,000.

(B) Project 78–2–b, modifications and additions to Energy Research Centers, various locations, $3,000,000.

(C) Projects 78–2–c, low Btu fuel gas small industrial demonstration plants, sites undetermined (A–E and long-lead procurement only), $6,000,000.

(D) Project 78–2–d, solvent refined coal demonstration plant, site undetermined (total estimated cost is $300,000,000 including the Federal share thereof), $30,000,000.

(3) Magnetic Fusion:

(A) Project 78–3–a, a mirror fusion test facility, Lawrence Livermore Laboratory, California, $94,200,000.

(B) Project 78–3–b, fusion materials irradiation test facility, Hanford Engineering Development Laboratory, Washington (A–E and long-lead procurement), $14,400,000.

(4) Fuel Cycle Research and Development:

(A) Project 78–5–a, facilities for the national waste terminal storage program, site undetermined (land acquisition, A–E and long-lead procurement), $10,000,000.

(B) Project 78–5–b, liquid metal fast breeder reactor integrated prototype equipment test facility, Oak Ridge National Laboratory, Oak Ridge, Tennessee (A–E and long-lead procurement only), $3,000,000.

(C) Project 78–5–c, advanced isotope separation facility, site undetermined (A–E only), $3,500,000.

(5) Liquid Metal Fast Breeder Reactor:

(A) Project 78–6–a, modifications to reactors, $8,700,000.

(B) Project 78–6–b, safeguards and security upgrading, Idaho Falls, Idaho and Chicago, Illinois, $4,935,000.

(C) Project 78–6–c, safety research experimental facility, Idaho National Engineering Laboratory, Idaho (A–E, long-lead procurement and limited construction only), $20,100,000.

(D) Project 78–6–d, experimental breeder reactor II modification, Idaho Falls, Idaho (A–E and selected long-lead procurement only), $3,100,000.

(E) Project 78–6–e, modifications to facilities, Liquid Metal Engineering Center, Santa Susanna, California (A–E only), $4,000,000.

(F) Project 78–6–j, fuels and materials examination facility, Hanford Engineering Development Laboratory, Washington, $134,800,000.

(G) Project 78–7–a, modifications to utility system 300 area, Hanford Engineering Development Laboratory, Washington, $3,600,000.

(H) Project 78–7–b, test reactor area steam distribution system upgrade, Idaho National Engineering Laboratory, Idaho, $1,100,000.

(6) Light Water Reactor Safety Facilities:

(A) Project 78–8–a, upgrade Test Area North hot shop facility, Idaho National Engineering Laboratory, Idaho, $3,400,000.

(7) Environmental Research and Development:

(A) Project 78–9–a, modifications and additions to biomedical and environmental research facilities, various locations, $6,000,000.

(8) High Energy Physics:

(A) Project 78–10–a, accelerator improvements and modifications, various locations, $4,500,000.

(B) Project 78–10–b, proton-proton intersecting storage accelerator facility, Brookhaven National Laboratory, $10,500,000.

(C) Project 78–11–a, master substation reliability and capacity improvements, Stanford Linear Accelerator Center, California, $1,700,000.

(9) Nuclear Physics:

(A) Project 78–12–a, accelerator and reactor improvements and modifications, various locations, $1,900,000.

(B) Project 78–12–b, high intensity uranium beams, Lawrence Berkeley Laboratory, California, $6,000,000.

(10) Basic Energy Sciences:

(A) Project 78–13–a, national synchrotron light source, Brookhaven National Laboratory, New York, $24,000,000.

(B) Project 78–13–b, combustion research facility, Sandia Laboratories, Livermore, California, $9,400,000.

(11) Uranium Enrichment:

(A) Project 78–14–a, centrifuge facilities modifications, various locations, $30,000,000.

(B) Project 78–14–b, process control modifications, plants, various locations, $17,400,000.

(C) Project 78–15–a, water system improvements, gaseous diffusion plant, Paducah, Kentucky, $4,500,000.

(12) Program Management and Support:

(A) Project 78–1–b, chiller modifications for energy conservation, Bendix Plant, Kansas City, Missouri, $830,000.

(B) Project 78–1–c, process waste heat utilization, gaseous diffusion plant, Paducah, Kentucky, $5,700,000.

(C) Projects 78–19–a, program support facility, Argonne National Laboratory, Illinois (A–E and long-lead procurement only), $5,000,000.

(13) Project 78–21, General Plant Projects, $44,265,000.

(14) Project 78–22, Construction Planning and Design, $10,000,000.

(15) Capital Equipment Not Related to Construction:

(A) Conservation research and development, $8,670,000.

(B) Fossil energy development, $5,500,000.

(C) Solar energy development, $7,900,000.

(D) Geothermal energy development, $2,500,000.

(E) Magnetic fusion, $27,600,000.

(F) Fuel cycle research and development, $25,300,000.

(G) Liquid metal fast breeder reactor, $35,650,000.

(H) Nuclear research and applications, $18,595,000.

(I) Light water reactor safety facilities, $800,000.

(J) High energy physics, nuclear physics, and basic energy sciences, $61,300,000.

(K) Nuclear materials, security and safeguards, $2,794,000.

(L) Uranium enrichment, $19,000,000.

(M) Environmental research and development, $19,025,000.

(N) Program management and support, $4,955,000.

CHANGES TO PRIOR YEAR AUTHORIZATIONS

(b)(1) There is authorized an additional sum of $100,000,000 for the process equipment modifications, gaseous diffusion plants (project 71–1–f), authorized by section 101(b)(1) of Public Law 91–273 (for a total project authorization of $920,000,000).

(2) There is authorized an additional sum of $42,700,000 for the cascade uprating program, gaseous diffusion plants (project 74–1–g), authorized by section 101(b)(1) of Public Law 93–60 (for a total project authorization of $460,000,000).

(3) There is authorized an additional sum of $30,000,000 for the high Btu synthetic pipeline gas demonstration plant (project 76–1–b) authorized by section 101(b)(1) of Public Law 94–187 (for a total project authorization of $55,000,000).

(4) There is authorized an additional sum of $131,250,000 for the low Btu fuel gas demonstration plant (projects 76–1–c) authorized by section 101(b)(1) of Public Law 94–187 (for a total project authorization of $150,000,000).

(5) There is authorized an additional sum of $41,000,000 for the ten megawatt central receiver solar thermal powerplant, Barstow, California (project 76–2–b), authorized by section 101(b)(2) of Public Law 94–187 (for a total project authorization of $47,250,000): Provided, That if the solar electrical generating facility hereby supported contributes electricity to a distribution network serving the public on a commercial basis and if any Federal monetary contribution is included in the rate base for the purpose of computing return on capital investment to such utilities, that portion of the capital costs derived from Federal funds and included in the rate base shall be recovered with interest from the revenues of the solar facility.

(6) There is authorized an additional sum of $24,000,000 for the Tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, New Jersey (project 76–5–a), authorized by section 101(b)(5) of Public Law 94–187 (for a total project authorization of $238,600,000).

(7) There is authorized an additional sum of $1,750,000 for the conversion of existing steamplants to coal capability, gaseous diffusion plants and Feed Materials Production Center, Fernald, Ohio (project 76–8–e), authorized by section 101(b)(8) of Public Law 94–187 (for a total project authorization of $15,250,000).

(8) There is authorized an additional sum of $107,630,000 for the enriched uranium production facilities, gas centrifuge (project 76–8–g), authorized by section 101(b)(8) of Public Law 94–187 (for a total project authorization of $362,630,000).

(9) There is authorized an additional sum of $5,500,000 for the MHD component development and integration facility (project 77–1–d) authorized by Public Law 94–373 (for a total project authorization of $13,200,000).

(10) There is authorized an additional sum of $5,000,000 for the high performance fuel laboratory, Richland, Washington (A–E only) (project 77–4–c) (for a total project authorization of $6,500,000).

(11) There is authorized an additional sum of $23,000,000 for the fuel storage facility, Richland, Washington (project 77–4–d) (for a total project authorization of $30,000,000).

(12) There is authorized an additional $3,200,000 for the 14 Mev intense neutron source facility, Los Alamos Scientific Laboratory, New Mexico (project 76–5–b) authorized by Public Law 94–187 (for a total project authorization of $25,300,000).

SEC. 103. Public Law 93–276, as amended, is further amended by rescinding therefrom authorization for project 75–5–g, molten salt breeder reactor (preliminary planning preparatory to possible future demonstration project), $1,500,000, except for any funds heretofore obligated.

SEC. 104(a). Notwithstanding any other provision of law, jurisdiction over matters transferred to the Department of Energy from the Energy Research and Development Administration which on the effective date of such transfer were required by law, regulation, or administrative order to be made on the record after an opportunity for an agency hearing may be assigned to the Federal Energy Regulatory Commission or retained by the Secretary at his discretion.

(b) Notwithstanding any other provision of law, the Secretary of Energy shall not be required to delegate to the Administrator of the Energy Information Administration any energy research, development, and demonstration function vested in the Secretary, pursuant to the Atomic Energy Act, the Federal Nonnuclear Energy Research and Development Act, the Geothermal Research, Development and Demonstration Act, the Electric and Hybrid Vehicle Research, Development and Demonstration Act, the Solar Heating and Cooling Demonstration Act, the Solar Energy Research, Development and Demonstration Act, and the Energy Reorganization Act. Additionally, the Secretary may utilize the capabilities of the Energy Information Administration as he deems appropriate for the conduct of such programs.

(c) As part of the Department of Energy's responsibility to keep the Congress fully and currently informed, the Secretary shall make the following reports:

(i) any proposal by the Secretary of the Department of Energy to terminate or make major changes in activities of the Government-owned and contractor-operated facilities, the national laboratories, energy research centers and the operations offices managing such laboratories, shall not be implemented until the Secretary transmits the proposal, together with all pertinent data, to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and waits a period of thirty calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which such report is received by such committees; and

(ii) by January 31, 1978, the Secretary shall file a full and complete report on each such proposal which he has implemented, as described in the preceding paragraph, and any major program structure change with the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 105. (a) The Secretary of Energy shall prepare and submit to the Congress within one year after the date of the enactment of this Act a study which considers the available options, including, but not limited to—

(1) Federal technical and financial aid in support of decommissioning high level waste disposal operations at the Western New York Nuclear Service Center;

(2) Federal operation of the Western New York Nuclear Service Center for the purposes of decommissioning existing facilities and disposing of existing high level wastes, including a demonstration program for the solidification of high level wastes for permanent burial;

(3) permanent Federal ownership of and responsibility for all or part of the Western New York Nuclear Service Center, and Federal receipt of the license from the present co-licensees; and

(4) use of the Western New York Nuclear Service Center for other purposes.

(b) Preparation of such study shall be in cooperation with the Nuclear Regulatory Commission and other Federal agencies, the State of New York, the industrial participants, and the public, and the Secretary of Energy shall conduct informational public hearings (in lieu of any formal administrative hearings) prior to completion of the study. The study shall recommend allocation of existing and future responsibilities among the Federal Government, the State of New York, and present industrial participants in the Western New York Nuclear Service Center.

(c) Ninety days prior to submission of the study to the Congress the Secretary of Energy shall release the proposed study for comments by interested parties, and such comments as are received shall be submitted as attachments to the final study submitted to the Congress.

(d) Nothing in this section shall be construed as intending to commit the Federal Government to any new assistance or participation in the Western New York Nuclear Service Center, nor as relieving any party of any duties or responsibilities under any law, regulation, or contract to provide for the safe storage of nuclear waste.

(e) For the purpose of carrying out the provisions of this section, there is included in subsection 101(20) of this Act authorization of appropriations in the amount of $1,000,000.

SEC. 106. (a) The Department of Energy shall conduct a study of the Barnwell Nuclear Fuel Plant located in South Carolina to determine if that facility may be utilized in support of the nonproliferation objectives of the United States.

(b) The study required under subsection (a) shall—

(1) include an evaluation of the multinational and international management options available for utilizing the Barnwell facility;

(2) include an evaluation of how Barnwell facility might be used to contribute to the INFCE, including preliminary studies on siting and design for adjacent facilities to the Barnwell Separations Plant to solidify liquid waste and mixed-oxide evolving from the chemical separations process (these preliminary efforts being consistent with similiar efforts undertaken as part of the INFCE);

(3) include an evaluation of a possible role for the IAEA in utilization of Barnwell facility for international non-proliferation programs;

(4) include an evaluation of the means by which the Barnwell facility could be used in demonstration of improved safeguards equipment and proceedings.

(5) include an evaluation of how the Barnwell facility can be used to complement the U.S.-approved research and development program at the Japanese Tokai Mura Reprocessing Plant, and non-proliferation research activities to be undertaken at the British Windscale Reprocessing Plant; and

(6) include an evaluation of whether and how the Barnwell facility might be transferred to the Federal Government.

(c) In carrying out the study required under subsection (a) due consideration shall be given to the impact which the effective and efficient use of resources and the independence of resource supply can have in assuring our national security objectives.

(d) The study shall be completed and a report submitted to the Congress not later than six months after the date that funds are appropriated for carrying out the purposes of this section. In addition, the report shall include recommendations and funding requirements to implement recommended programs resulting from such study.

(e) For the purpose of carrying out the provisions of this section, there is included in subsection 101(20) of this Act an authorization of appropriations in the amount of 1,000,000.

SEC. 107. The Department of Energy is hereby authorized to undertake studies, in cooperation with other nations, on a multinational or international basis designed to determine the general feasibility of expanding capacity of existing spent fuel storage facilities; to enter into agreements, subject to the consent of the Congress (by joint or concurrent resolution or legislation hereafter enacted), with other nations or groups of nations, for providing appropriate support to increase international or multinational spent fuel storage capacity; to conduct studies on the feasibility of establishing regional storage sites; and to conduct studies on international transportation and storage systems. For the purpose of carrying out the provisions of this section, there is included in subsection 101(20) of this Act authorization of appropriations in the amount of $20,000,000: *Provided*, notwithstanding any other provision of law, that none of the funds made available to the Secretary of Energy under any other authorization or appropriation Act shall be used, directly or indirectly, for the repurchase, transportation or storage of any foreign spent nuclear fuel (including any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or control of the fuel or the reactor, and regardless of the origin or licensing of the fuel or the reactor, but not including fuel irradiated in a research reactor, and not including fuel irradiated in a power reactor if the President determines that (1) use of funds for repurchase, transportation or storage of such fuel is required by an emergency situation, (2) it is in the interest of the common defense and security of the United States to take such action, and (3) he notifies the Congress of the determination and action, with a detailed explanation and justification thereof, as soon as possible) unless the President formally notifies, with the report information specified herein, the Committee on Energy and Natural Resources of the Senate and the Committee on Science and Technology of the House of Representatives of such use of funds thirty calendar days, during such time as either House of Congress is in session, before the commitment, expenditure, or obligation of such funds: and provided further, notwithstanding any other provision of law, that none of the funds appropriated pursuant to this Act or any other funds made available to the Secretary of Energy under any other authorization or appropriation Act shall be used, directly or indirectly, for the repurchase, transportation, or storage of any such foreign spent nuclear fuel for storage or other disposition, interim or permanent, in the United States, unless the use of the funds for that specific purpose has been (1) previously and expressly authorized by Congress in legislation hereafter enacted, (2) previously and expressly authorized by a concurrent resolution, or (3) the President submits a plan for such use, with the report information specified herein, 30 days during which the Congress is in continuous session, as defined in the Impoundment Control Act of 1974, prior to such use and neither House of Congress approves a resolution of disapproval of the plan prior to the expiration of the aforementioned thirty day period. If such a resolution of disapproval has been introduced, but has not been reported by the Committee on or before the twentieth day after transmission of the Presidential message, a privileged motion shall be in order in

the respective body to discharge the Committee from further consideration of the resolution and to provide for its immediate consideration, using the procedures specified for consideration of an impoundment resolution in section 1017 of the Impoundment Control Act of 1974 (31 U.S.C. 1407). Any report or plan proposed under this proviso shall include information and any supporting documentation thereof relating to policy objectives, technical description and discussion, geographic information, cost data, justification and projections, legal and regulatory considerations, environmental impact information and any related bilateral or international agreements, arrangements or understandings; and provided further that nothing contained in this Section shall be construed in any Executive Branch action, administrative proceeding, regulatory proceeding, or legal proceeding as being intended to delay, modify, or reverse the Memorandum and Order of the Nuclear Regulatory Commission of June 28, 1977 for the issuance of License No. XSNM-845 to the agent-applicant for the Government of India and the subsequent export thereby licensed of the special nuclear material to be used as fuel for the Tarapur Atomic Power Station or any other Order of the Nuclear Regulatory Commission to issue a license for the export of special nuclear material and subsequent exports thereby licensed, or any consideration by the Nuclear Regulatory Commission of a license application for the export of special nuclear material.

TITLE II—GENERAL PROVISIONS

SEC. 201. Title I of the Energy Reorganization Act of 1974 is amended by adding at the end thereof the following new section:

"PROVISIONS APPLICABLE TO ANNUAL AUTHORIZATION ACTS

"SEC. 111. (a) All appropriations made to the Energy Research and Development Administration or the Administrator shall, except as otherwise provided by law, be subject to annual authorization in accordance with section 261 of the Atomic Energy Act of 1954, section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and section 305 of this Act. The provisions of this section shall apply with respect to appropriations made pursuant to the Act providing such authorization (hereinafter in this section referred to as 'annual authorizing Acts').

"(b)(1) Funds appropriated pursuant to an annual authorization Act for 'Operating expenses' may be used for—

"(A) the construction or acquisition of any facilities, or major items of equipment, which may be required at locations other than installations of the Administration, for the performance of research, development, and demonstration activities, and

"(B) grants to any organization for purchase or construction of research facilities. No such funds shall be used under this subsection for the acquisition of land. Fee title to all such facilities and items of equipment shall be vested in the United States, unless the Administrator or his designee determines in writing that the research, development, and demonstration authorized by such Act would best be implemented by permitting fee title or any other property interest to be vested in an entity other than the United States; but before approving the vesting of such title or interest in such entity, the Administrator shall (i) transmit such determination, together with all pertinent data, to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate and (ii) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"(2) No funds shall be used under paragraph (1) for any facility or major item of equipment, including collateral equipment, if the estimated cost to the Federal Government exceeds $5,000,000 in the case of such a facility or $2,000,000 in the case of such an item of equipment, unless such facility or item has been previously authorized by the appropriate committees of the House of Representatives and the Senate, or the Administrator—

"(A) transmit to the appropriate committees of the House of Representatives and the Senate a report on such facility or item showing its nature, purpose, and estimated cost, and

"(B) waits a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"(c)(1) Not to exceed 1 per centum of all funds appropriated pursuant to any annual authorization Act for 'Operating expenses' may be used by the Administrator to construct, expand, or modify laboratories and other facilities, including the acquisition of land, at any location under the control of the Administrator, if the Administrator determines that (A) such action would be necessary because of changes in the national programs authorized to be funded by such Act or because of new scientific or engineering developments, and (B) deferral of such action until the enactment of the next authorization Act would be inconsistent with the policies established by Congress for the Administration.

"(2) No funds may be obligated for expenditure or expended under paragraph (1) for activities described in such paragraph unless—

"(A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the Administrator has transmitted to the appropriate committees of the House of Representatives and the Senate a written report containing a full and complete statement concerning (i) the nature of the construction, expansion, or modification involved, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary and in the national interest, or

"(B) each such committee before the expiration of such period has transmitted to the Administrator a written notice to the effect that such committee has no objection to the proposed action:

except that this paragraph shall not apply to any project the estimated total cost of which does not exceed $50,000.

"(d)(1) Except as otherwise provided in the authorization Act involved—

"(A) no amount appropriated pursuant to any annual authorization Act may be used for any program in excess of the amount actually authorized for that particular program by such Act, and

"(B) no amount appropriated pursuant to any annual authorization Act may be used for any program which has been presented to, or requested of the Congress,

unless (i) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the appropriate committee of the House of Representatives and the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (ii) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

"(2) Notwithstanding any other provision of this section or the authorization Act involved, the aggregate amount available for use within the categories of coal, petroleum and natural gas, oil shale, solar, geothermal, nuclear energy (non-weapons), environment and safety, and conservation from sums appropriated pursuant to an annual authorization Act may not, as a result of reprogramming, be decreased by more than 10 per centum of the total of the sums appropriated pursuant to such Act for those categories.

"(e) Subject to the applicable requirements and limitations of this section and the authorization Act involved, when so specified in an appropriation Act, amounts appropriated pursuant to any annual authorization Act for 'Operating expenses' or for 'Plant and capital equipment' may be merged with any other amounts appropriated for like purposes pursuant to any other Act authorizing appropriation for the Administration: *Provided*, That no such amounts appropriated for 'plant and capital equipment' may be merged with amounts appropriated for 'operating expenses.'

"(f) When so specified in an appropriation Act, amounts appropriated pursuant to any annual authorization Act for 'Operating expenses' or for 'Plant and capital equipment' may remain available until expended.

"(g) The Administrator is authorized to perform construction design services for any administration construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Administration, and (2) the Administration determines that the project is of such urgency in order to meet the needs of national defense or protection of life and property or health and safety that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

"(h) When so specified in appropriation Acts, any moneys received by the Administration may be retained and used for operating expenses, and may remain available until expended, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484); except that—

"(1) this subsection shall not apply with respect to sums received from disposal of property under the Atomic Energy Community Act of 1955 or the Strategic and Critical Materials Stockpiling Act, as amended, or with respect to fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7); and

"(2) revenues received by the Administration from the enrichment of uranium shall (when so specified) be retained and used for the specific purpose of offsetting costs incurred by the Administration in providing uranium enrichment service activities.

"(i) When so specified in an appropriation Act, transfers of sums from the 'Operating expenses' appropriation made pursuant to an annual authorization Act may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred may be merged with the appropriations to which they are transferred.".

SEC. 202. (a) The Secretary of Energy is authorized to start any project set forth in section 102(a) (1) through (12) only if at the time the project is started the then currently estimated cost does not exceed by more than 25 per centum the estimated cost set forth for that project; and the total cost of any such project shall not exceed the estimated cost set forth for that project by more than 25 per centum (if such estimated cost was $5,000,000 or more) unless and until appropriations covering such excess are authorized.

(b) The Secretary of Energy is authorized to start any project under section 102(a)(13) only if the maximum currently estimated cost of such project does not exceed $750,000 and the then maximum currently estimated cost of any building included in the project does not exceed $300,000 and the total cost of all projects undertaken under such section shall not exceed the estimated cost set forth in such section by more than 10 per centum.

SEC. 203. The Secretary of Energy, in cooperation with the Secretary of State, shall report to the Committees on Science and Technology and International Relations of the House of Representatives and the Committees on Energy and Natural Resources and Foreign Relations of the Senate, within six months after the date of the enactment of this Act, on the effects of the April 20, 1977, message from the President of the United States, "Establishing for the United States a Strong and Effective Nuclear Non-Proliferation Policy", on nuclear research and development cooperative agreements. This report shall include impacts of the message and related initiatives through the promulgation, repeal, or modification of Executive orders, Presidential proclamations, treaties, other international agreements, and other pertinent documents of the President, the Executive Office of the President, the administrative agencies, and the departments, on cooperation between the United States and any other nation in the research, development, demonstration, and commercialization of all nuclear fission and nuclear fusion technologies. After the initial report, the Administrator shall report to such Committees on each subsequent major related initiative.

SEC. 204. (a) In carrying out the programs for which funds are authorized by this Act, the Secretary of Energy shall provide a realistic and adequate opportunity for small business concerns to participate in such programs to the optimum extent feasible consistent with the size and nature of the projects and activities involved.

(b) At least once every six months, or upon request, the Secretary of Energy shall submit to the appropriate committees of the House of Representatives and the Senate a full report on the actions taken in carrying out subsection (a) during the preceding six months, including the extent to which small business concerns are participating in the programs involved and in projects and activities of various types and sizes within each such program, and indicating the steps currently being taken to assure such participation in the future.

SEC. 205. (a) Section 91 of chapter 9 of the Atomic Energy Community Act of 1955 is amended—

(1) by striking out subsection a. and inserting in lieu thereof the following:

"a. From the date of transfer of any municipal installations to a governmental or other entity at or for the community, the Administrator is authorized, for a period of ten years, to make annual assistance payments of just and reasonable sums to the State, county, or local entity having jurisdiction to collect property taxes or to the entity receiving the installation transferred hereunder: *Provided, however,* That with respect to the cities of Oak Ridge, Tennessee, and Richland, Washington, the Richland School District, the Los Alamos School Board, and the county of Los Alamos, New Mexico, the Administrator is authorized to continue to make assistance payments of just and reasonable sums after expiration of such ten-year period: *Provided further,* That the Administrator is also authorized to make payments of just and reasonable sums to Anderson County and Roane County, Tennessee. In determining the amount and recipient of such payments the Administrator shall consider—

"(1) the approximate real property taxes and assessments for local improvements which would be paid to the governmental entity upon property within the community if such property were not exempt from taxation by reason of Federal ownership;

"(2) the maintaining of municipal services at a level which will not impede the recruitment or retention of personnel essential to the Energy Research and Development Administration programs;

"(3) the fiscal problems peculiar to the governmental entity by reason of the construction at the community as a single-purpose national defense installation under emergency conditions;

"(4) the municipal services and other burdens imposed on the governmental or other entities at the community by the United States in its operations in the project area; and

"(5) the tax revenues and sources available to the governmental entity, its efforts and diligence in collection of taxes, assessment of property, and the efficiency of its operations."; and

(2) by striking out subsection d. and inserting in lieu thereof the following:

"d. With respect to any entity not less than six months prior to the expiration of the ten-year period referred to in subsection a. (or not less than six months prior to June 30, 1979, in the case of the cities of Oak Ridge, Tennessee, and Richland, Washington, and the Richland School District; or not less than six months prior to June 30, 1986, in the case of Anderson County and Roane County, Tennessee, and the Los Alamos School Board; and not less than six months prior to June 30, 1987, in the case of the county of Los Alamos, New Mexico), the Administrator shall present to the appropriate committees of the House of Representatives and the Senate recommendations as to the need for any further assistance payments to such entity.".

(b) Chapter 9 of such Act is further amended by striking out section 94 and inserting in lieu thereof the following:

"SEC. 94. CONTRACTS.—The Administrator is authorized, without regard to section 3679 of the Revised Statutes, to enter into a contract with any governmental or other entity to which payments are authorized to be made pursuant to section 91, obligating the Administrator to make such entity the payments directed or authorized to be made by section 91: Provided, however, That the term of such contracts, in the case of the cities of Oak Ridge, Tennessee, and Richland, Washington, and the Richland School District, shall not extend beyond June 30, 1979; and in the case of the Los Alamos School Board shall not extend beyond June 30, 1986; and in the case of the county of Los Alamos, New Mexico, shall not extend beyond June 30, 1987.".

SEC. 206. (a) Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 is amended by adding at the end thereof the following new subsection:

"(c) Based upon the comprehensive plan developed under subsection (a), the Administrator shall develop and transmit to the Congress, on or before September 1, 1978, a comprehensive environment and safety program to insure the full consideration and evaluation of all environmental, health, and safety impacts of each element, program, or initiative contained in the nuclear and nonnuclear energy research, development, and demonstration plans.".

(b) Section 15(a) of such Act is amended—

(1) by striking out "and" at the end of paragraph (2),

(2) by striking out the comma at the end of paragraph (3) and inserting in lieu thereof "; and", and

(3) by inserting after paragraph (3) the following new paragraph;

"(4) a detailed description of the environmental and safety research, development, and demonstration activities carried out and in progress including the procedures adopted to mitigate undesirable environmental and safety impacts,".

SEC. 207. (a) Section (7a) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) is amended—

(1) by striking out "and" after the semicolon at the end of paragraph (5),

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(7) Federal loan guarantees and commitments thereof as provided in section 19.".

(b) The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.) is further amended by adding at the end thereof the following new section:

"LOAN GUARANTEES FOR ALTERNATIVE FUEL DEMONSTRATION FACILITIES

"SEC. 19. (a) It is the purpose of this section—

"(1) to assure adequate Federal support to foster a demonstration program to produce alternative fuels from coal, oil shale, biomass, and other domestic resources;

"(2) to authorize assistance, through loan guarantees under subsection (b) and (y) for construction and startup and related costs, to demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels; and

"(3) to gather information about the technological economic, environmental, and social costs, benefits, and impacts of such demonstration facilities.

"(b)(1) Except as provided in paragraph (5) of this subsection and subsection (y) of this section the Administrator is authorized, in accordance with such rules and regulations as he shall prescribe after consultation with the Secretary of the Treasury, to guarantee and to make commitments to guarantee, in such manner and subject to such conditions (not inconsistent with the provisions of this Act as he deems appropriate, the payment of interest on, and the principal balance of, bonds, debentures, notes, and other obligations issued by, or on behalf of, any borrower for the purpose of financing the construction and startup costs of demonstration facilities for the conversion of domestic coal, oil shale, biomass, and other domestic resources into alternative fuels: Provided, That no loan guarantee for a full sized oil shale facility shall be provided under this section until after successful demonstration of a modular facility producing between six and ten thousand barrels per day, taking into account such considerations as water usage, environmental effects, waste disposal, labor conditions, health and safety, and the socioeconomic impacts on local communities: Provided further, That no loan guarantee shall be available under this subsection for the manufacture of component parts for demonstration facilities eligible for assistance under this subsection.

"(2) An applicant for any financial assistance under this section shall provide information to the Administrator in such form and with such content as the Administrator deems necessary.

"(3) Prior to issuing any guarantee under this section the Administrator shall obtain the concurrence of the Secretary of the Treasury with respect to the timing, interest rate, and substantial terms and conditions of such guarantee. The Secretary of the Treasury shall insure to the maximum extent feasible that the timing, interest rate, and substantial terms and conditions of such guarantee will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

"(4) The full faith and credit of the United States is pledged to the payment of all guarantees issued under this section with respect to principal and interest.

"(5)(A) The Administrator is authorized, in the case of a facility for the conversion of oil shale to alternative fuels which is determined by the Administrator pursuant to the proviso in paragraph (1)(A) of this subsection, to be constructed at a modular size, to enter into a cooperative agreement with the applicant in accordance with section 8 of this Act and the other provisions of this Act to share the estimated total design and construction costs, plus operation and maintenance costs, of such modular facility. The Federal share shall not exceed 75 per centum of such costs. All receipts for the sale of any products produced during the operation of the facility shall be used to offset the costs incurred in the operation and maintenance of the facility. The provisions of subsections (d), (e), (k), (m), (p), (s), (t), (u), (v), (w), and (x) shall apply to any such modular facility. The provisions of this section shall apply to any loan guarantee for such modular facility.

"(B) After successful demonstration of the modular facility, as determined by the Administrator, the facility is eligible for financial assistance under this section for purposes of expansion to a full sized facility and the applicant may purchase the Federal interest in the modular facility as represented by the Federal share thereof by means of (i) a cash payment to the United States, or (ii) a share of the product or sales resulting from such expanded operation, as determined by the Administrator. If expansion of such facility is determined not to be warranted by the Administrator, he may, at the option of the applicant, dispose of the modular facility to the applicant at not less than fair market value, as determined by the Administrator as of the date of the disposal, or otherwise dispose of it, in accordance with applicable provisions of law, and distribute the net proceeds thereof, after expenses of such disposal, to the applicant in proportion to the applicant's share of the costs of such facility.

"(6) To the extent possible, loan guarantees shall be issued on the basis of competitive bidding among guarantee applicants in a particular technology area.

"(c) The Administrator, with due regard for the need for competition, shall guarantee or make a commitment to guarantee any obligation under subsection (b) or (y) only if—

"(1) the Administrator is satisfied that the financial assistance applied for is necessary to encourage financial participation;

"(2) the amount guaranteed to any borrower at any time does not exceed—

"(A) an amount equal to 75 per centum of the project cost of the demonstration facility as estimated at the time the guarantee is issued, which cost shall not include amounts expended for facilities and equipment used in the extraction of a mineral other than coal or shale, and in the case of coal only to the extent that the Administrator determines that the coal is to be converted to alternative fuel; and

"(B) an amount equal to 60 per centum of that portion of the actual total project cost of any demonstration facility which exceeds the project cost of such facility as estimated at the time the loan guarantee is issued;

"(3) the Administrator has determined that there will be a continued reasonable assurance of full repayment;

"(4) the obligation is subject to the condition that it not be subordinated to any other financing;

"(5) the Administrator has determined, taking into consideration all reasonably available forms of assistance under this section and other Federal and State statutes, that the impacts resulting from the proposed demonstration facility have been fully evaluated by the borrower, the Administrator, and the Governor of the affected State, and that effective steps have been taken or will be taken in a timely manner to finance community planning and development costs resulting from such facility under this section, under other provisions of law, or by other means;

"(6) the maximum maturity of the obligation does not exceed twenty years, or 90 per centum of the projected useful economic life of the physical assets of the demonstration facility covered by the guarantee, whichever is less, as determined by the Administrator;

"(7) the Administrator has determined that, in the case of any demonstration or modular facility planned to be located on Indian lands, the appropriate Indian tribe, with the approval of the Secretary of the Interior, has given written consent to such location;

"(8) the obligation provides for the orderly and ratable retirement of the obligation and includes sinking fund provisions, installment payment provisions or other methods of payments and reserves as may be reasonably required by the Administrator. Prior to approving any repayment schedule the Administrator may consider the date on which operating revenues are anticipated to be generated by the project. To the maximum extent possible repayment or provision therefor shall be required to be made in equal payments payable at equal intervals; and

"(9) the obligation provides that the Administrator shall, after a period of not less than ten years from issuance of the obligation, taking into consideration whether the Government's needs for information to be derived from the project have been substantially met and whether the project is capable of commercial operation, determine the feasibility and advisability of terminating the Federal participation in the project. In the event that such determination is positive, the Administrator shall notify the borrower and provide the borrower with not less than two nor more than three years in which to find alternative financing. At the expiration of the designated period of time, if the borrower has been unable to secure alternative financeneray and give due consideration to views, comments, and recommendations received: ing, the Administrator is authorized to collect from the borrower an additional fee of 1 per centum per annum on the remaining obligation to which the Federal guarantee applies.

"(d) Prior to submitting a report to Congress pursuant to subsection (m) of this section on each guarantee and cooperative agreement, the Administrator shall request from the Attorney General and the Chairman of the Federal Trade Commission written views, comments, and recommendations concerning the impact of such guarantee or commitment or agreement on competition and concentration in the production or *Provided*, That if either official, within sixty days after receipt of such request or at any time prior to the Administrator submitting such report to Congress, recommends against making such guarantee or commitment or agreement, the proposed guarantee or commitment or agreement shall be referred to the President, and the Administrator shall not do so unless the President determines in writing that such guarantee or commitment or agreement is in the national interest.

"(e)(1) As soon as the Administrator knows the geographic location of a proposed facility for which a guarantee or a commitment to guarantee or cooperative agreement is sought under this section, he shall inform the Governor of the State, and officials of each political subdivision and Indian tribe, as appropriate, in which the facility would be located or which would be impacted by such facility. The Administrator shall not guarantee or make a commitment to guarantee or enter into a cooperative agreement under subsection (b) or subsection (y) of this section, if the Governor of the State in which the proposed facility would be located recommends that such action not be taken, unless the Administrator finds that there is an overriding natural interest in taking such action in order to achieve the purpose of this section.

If the Administrator decides to guarantee or make a commitment to guarantee or enter into a cooperative agreement despite a Governor's recommendation not to take such action, the Administrator shall communicate, in writing, to the Governor reasons for not concurring with such recommendation. This Administrator's decision, pursuant to this subsection, shall be final unless determined upon judicial review initiated by the Governor to be unlawful by the reviewing court pursuant to 5 U.S.C. 706(2) (A) through (D). Such review shall take place in the United States court of appeals for the circuit in which the State involved is located, upon application made within ninety days from the date of such decision. The Administrator shall, by regulation, establish procedures for review of, and comment on, the proposed facility by States, local political subdivisions, and Indian tribes which may be impacted by such facility, and the general public.

"(2) The Administrator shall review and approve the plans of the applicant for the construction and operation of any demonstration and related facilities constructed or to be constructed with assistance under this section. Such plans and the actual construction shall include such monitoring and other data-gathering costs associated with such facility as are required by the comprehensive plan and program under this section. The Administrator shall determine the estimated total cost of such demonstration facility, including, but not limited to, construction costs, startup costs, costs to political subdivisions and Indian tribe by such facility, and cost of any water storage facilities needed in connection with such demonstration facility, and determine who shall pay such costs. Such determination shall not be binding upon the States, political subdivisions or Indian tribes.

"(3) There is hereby established a panel to advise the Administrator on matters relating to the program authorized by this section, including, but not limited to, the impact of the demonstration facilities on communities and States and Indian tribes, the environmental and health and safety effects of such facilities, and the means, measures, and planning for preventing or mitigating such impacts, and other matters relating to the development of alternative fuels and other energy sources under this section. The panel shall

include such Governors or their designees as shall be designated by the Chairman of the National Governors Conference, Representatives of Indian tribes, industry, environmental organizations and the general public shall be appointed by the Administrator. The Chairman of the panel shall be selected by the Administrator. No person shall be appointed to the panel who has a financial interest in any applicant applying for assistance under this section. Members of the panel shall serve without compensation. The provisions of section 106(e) of the Energy Reorganziation Act of 1974 (42 U.S.C. 5816 (e)) shall apply to the panel.

"(f) Except in accordance with reasonable terms and conditions contained in the written contract of guarantee, no guarantee issued or commitment to guarantee made under this section shall be terminated, canceled, or otherwise revoked. Such a guarantee or commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this section and that such obligation has been approved and is legal as to principal, interest, and other terms. Subject to the conditions of the guarantee or commitment to guarantee, such a guarantee shall be incontestable in the hands of the holder of the guaranteed obligation, except as to fraud or material misrepresentation on the part of the holder.

"(g)(1) If there is a default by the borrower, as defined in regulation promulgated by the Administrator and in the guarantee contract, the holder of the obligation shall have the right to demand payment of the unpaid amount from the Administrator. Within such period as may be specified in the guarantee or related agreements, the Administrator shall pay to the holder of the obligation the unpaid interest on, and unpaid principal of the guaranteed obligation as to which the borrower has defaulted, unless the Administrator finds that there was no default by the borrower in the payment of interest or principal or that such default has been remedied. Nothing in this section shall be construed to preclude any forebearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the guaranteed obligation and approved by the Administrator.

"(2) If the Administrator makes a payment under paragraph (1) of this subsection, the Administrator shall be subrogated to the rights of the recipient of such payment (and such subrogation shall be expressly set forth in the guarantee or related agreements), including the authority to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements, or any other property of the borrower (of a value equal to the amount of such payment) to the extent that the guarantee applies to amounts in excess of the estimated project cost under subsection (c)(2)(B), without regard to the provisions of the Federal Property and Administrative Service Act of 1949, as amended, except section 207 of that Act (40 U.S.C. 488), or any other law, or to permit the borrower, pursuant to an agreement with the Administrator, to continue to pursue the purposes of the demonstration facility if the Administrator determines that this is in the public interest. The rights of the Administrator with respect to any property acquired pursuant to such guarantee or related agreements, shall be superior to the rights of any other person with respect to such property.

"(3) In the event of a default on any guarantee under this section, the Administrator shall notify the Attorney General, who shall take such action as may be appropriate to recover the amounts of any payments made under paragraph (1) including any payment of principal and interest under subsection (h) from such assets of the defaulting borrower as are associated with the demonstration facility, or from any other security included in the terms of the guarantee.

"(4) For purposes of this section, patents, including any inventions for which a waiver was made by the Administrator under Section 9 of this Act, and technology resulting from the demonstration facility, shall be treated as project assets of such facility. The guarantee agreement shall include such detailed terms and conditions as the Administrator deems appropriate to protect the interests of the United States in the case of default and to have available all the patents and technology necessary for any person selected, including, but not limited to the Administrator, to complete and operate the defaulting project. Furthermore, the guarantee agreement shall contain a provision specifying that patents, technology, and other proprietary rights which are necessary for the completion or operation of the demonstration facility shall be available to the United States and its designees on equitable terms, including due consideration to the amount of the United States default payments. Inventions made or conceived in the course of or under such guarantee, title to which is vested in the United States under this Act, shall not be treated as project assets of such facility for disposal purposes under this subsection, unless the Administrator determines in writing that it is in the best interests of the United States to do so.

"(h) With respect to any obligation guaranteed under this section, the Administrator is authorized to enter into a contract to pay, and to pay, holders of the obligations, for and on behalf of the borrowres, from the fund established by this section, the principal and interest payments which become due and payable on the unpaid balance of such obligation if the Administrator finds that—

"(1) the borrower is unable to meet such payments and is not in default; it is in the public interest to permit the borrower to continue to pursue the purposes of such demonstration facility; and the probable net benefit to the Federal Government in paying such principal and interest will be greater than that which would result in the event of a default;

"(2) the amount of such payment which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement; and

"(3) the borrower agrees to reimburse the Administrator for such payment on terms and conditions, including interest, which are satisfactory to the Administrator.

"(i) Regulations required by this section shall be issued within one hundred and eighty days after enactment of this section, except as provided in subsection (t) of this section. All regulations under this section and any amendments thereto shall be issued in accordance with section 553 of title 5, of the United States Code.

"(j) The Administrator shall charge and collect fees for guarantees of obligations authorized by subsection (b)(1), in amounts which (1) are sufficient in the judgment of the Administrator to cover the applicable administrative costs, and (2) reflect the percentage of projects costs guaranteed. In no event shall the fee be less than 1 per centum per annum of the outstanding indebtedness covered by the guarantee. Nothing in this subsection shall be construed to apply to community planning and development assistance pursuant to subsection (k) of this section.

"(k)(1) In accordance with such rules and regulations as the Administrator in consultation with the Secretary of the Treasury shall prescribe, and subject to such terms and conditions as he deems appropriate, the Administrator is authorized, for the purpose of financing essential community development and planning which directly result from, or are necessitated by, one or more demonstration facilities assisted under this section to—

"(A) guarantee and make commitments to guarantee the payment of interest on, and the principal balance of obligations for such financing issued by eligible States, political subdivisions, or Indian tribes,

"(B) guarantee and make commitments to guarantee the payment of taxes imposed on such demonstration facilities by eligible non-Federal taxing authorities which taxes are earmarked by such authorities to support the payment of interest and principal on obligations for such financing, and

"(C) require that the applicant for assistance for a demonstration facility under this section advance sums to eligible States, political subdivisions, and Indian tribes to pay for the financing of such development and planning: *Provided*, That the State, political subdivision, or Indian tribe agrees to provide tax abatement credits over the life of the facilities for such payments by such applicant.

"(2) Prior to issuing any guarantee under this subsection, the Administrator shall obtain the concurrence of the Secretary of the Treasury with respect to the timing, interest rate, and substantial terms and conditions of such guarantee. The Secretary of the Treasury shall insure to the maximum extent feasible that the timing, interest rate, and substantial terms and conditions of such guarantee will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect securities activities.

"(3) In the event of any default by the borrower in the payment of taxes guaranteed by the Administrator under this subsection, the Administrator shall pay out of the fund established by this section such taxes at the time or times they may fall due, and shall have by reason of such payment a claim against the borrower for all sums paid plus interest.

"(4) If after consultation with the State, political subdivision, or Indian tribe, the Administrator finds that the financial assistance programs of paragraph (1) of this subsection will not result in sufficient funds to carry out the purposes of this subsection, then the Administrator may—

"(A) make direct loans to the eligible States, political subdivisions, or Indian tribes for such purposes: Provided, that such loans shall be made on such reasonable terms and conditions as the Administrator shall prescribe: Provided further, That the Administrator may waive repayment of all or part of a loan made under this paragraph, including interest, if the State or political subdivision or Indian tribe involved demonstrates to the satisfaction of the Administrator that due to a change in circumstances there will be net adverse impacts resulting from such demonstration facility that would probably cause such State, subdivision, or tribe to default on the loan; or

"(B) require that any community development and planning costs which are associated with, or result from, such demonstration facility and which are determined by the Administrator to be appropriate for such inclusion shall be included in the total costs of the demonstration facility.

"(5) The Administrator is further authorized to make grants to States, political subdivisions, or Indian tribes for studying and planning for the potential economic, environmental, and social consequences of demonstration facilities, and for establishing related management expertise.

"(6) At any time the Administrator may, with the concurrence of the Secretary of the Treasury, redeem, in whole or in part, out of the fund established by this section, the debt obligations guaranteed or the debt obligations for which tax payments are guaranteed under this subsection.

"(7) When one or more States, political subdivisions, or Indian tribes would be eligible for assistance under this subsection, but for the fact that construction and operation of the demonstration facilities occurs outside its jurisdiction, the Administrator is authorized to provide, to the greatest extent possible, arrangements for equitable sharing of such assistance.

"(8) Such amounts as may be necessary for direct loans and grants pursuant to this subsection shall be available as provided in annual authorization Acts.

"(9) The Administrator, if appropriate, shall provide assistance in the financing of up to 100 per centum of the costs of the required community development and planning pursuant to this subsection.

"(10) In carrying out the provisions of this subsection, the Administrator shall provide that title to any facility receiving financial assistance under this subsection shall vest in the applicable State, political subdivision, or Indian tribe, as appropriate, and in the case of default by the borrower on a loan guarantee such facility shall not be considered a project asset for the purposes of subsection (g) of this section.

"(l)(1) The Administrator is directed to submit a report to the Congress within one hundred and eighty days after the enactment of this section setting forth his recommendations on the best opportunities to implement a program of Federal financial assistance with the objective of demonstrating production and conservation of energy. Such report shall be updated and submitted to Congress at least annually and shall include specific comments and recommendations by the Secretary of the Treasury on the methods and procedures set forth in subparagraph (B)(viii) of this subsection, including their adequacy, and changes necessary to satisfy the objectives stated in this subsection. This report shall include—

"(A) a study of the purchase of commitment to purchase by the Federal Government, for the use by the United States, of all or a portion of the products of any alternative fuel facilities constructed pursuant to this program as a direct or an alternate form of Federal assistance, which assistance, if recommended, shall be carried out pursuant to section 7(a)(4) of this Act; and

"(B) a comprehensive plan and program to acquire information and evaluate the environmental, economic, social, and technological impacts of the demonstration program under this section. In preparing such a comprehensive plan and program, the Administrator shall consult with the Environmental Protection Agency, the Federal Energy Administration, the Department of Housing and Urban Development, the Department of the Interior, the Department of Agriculture, and the Department of the Treasury, and shall include therein, but not be limited to, the following.

"(i) information about potential demonstration facilities proposed in the program under this section;

"(ii) any significant adverse impacts which may result from any activity included in the program;

"(iii) the extent to which it is feasible to commercialize the technologies as they affect different regions of the Nation;

"(iv) proposed regulations required to carry out the purposes of this section;

"(v) a list of Federal agencies, governmental entities, and other persons that will be consulted or utilized to implement the program;

"(vi) the methods and procedures by which the information gathered under the program will be analyzed and disseminated;

"(vii) a plan for the study and monitoring of the health effects of such facilities on workers and other persons, including, but not limited to, any carcinogenic effect of alternative fuels; and

"(viii) the methods and procedures to insure that (I) the use of the Federal assistance for demonstration facilities is kept to the minimum level necessary for the information objectives of this section, (II) the impact of loan guarantees on the capital markets of the United States is minimized, taking into account other Federal direct and indirect securities activities, and any economic sectors which may be negatively impacted as a result of the reduction of capital by the placement of guaranteed loans, and (III) the granting of Federal loan guarantees under this Act does not impede movement toward improvement in the climate for attracting private capital to develop alternative fuels without continued direct Federal incentives.

"(2) The Administrator shall annually submit a detailed report to the Congress concerning—

"(A) the actions taken or not taken by the Administrator under this section during the preceding fiscal year, and including, but not limited to (i) a discussion of the status of each demonstration facility and related facilities financed under this section, including progress made in the development of such facilities, and the expected or actual production from each such facility, including byproduct production therefrom, and the distribution of such products and byproducts, (ii) a detailed statement of the financial conditions of each such demonstration facility, (iii) data concerning the environmental, community, and health and safety impacts of each such facility and the actions taken or planned to prevent or mitigate such imports, (iv) the administrative and other costs incurred by the Administrator and other Federal agencies in carrying out this program, and (v) such other data as may be helpful in keeping Congress and the public fully and currently informed about the program authorized by this section; and

"(B) The activities of the funds referred to in subsection (n) of this section during the preceding fiscal year, including a statement of the amount and source of fees or other moneys, property, or assets deposited notes or other obligations issued by the Administrator, and such other data as may be appropriate.

"(3) The annual report required by this subsection shall be a part of the annual report required by section 15 of this Act, except that the matters required to be reported by this subsection shall be clearly set out and identified in such annual reports. Such reports and the one-hundred-and-eighty-day report required in paragraph (1) of this subsection shall be transmitted to the Speaker of the House of Representatives and the House Committee on Science and Technology and to the President of the Senate and the Committee on Energy and Natural Resources of the Senate.

"(m) Prior to issuing any guarantee or commitment to guarantee or cooperative agreement pursuant to subsection (b) or subsection (y) of this section, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a full and complete report on the proposed demonstration facility and such guarantee, agreement, or contract. Such guarantee, commitment to guarantee, cooperative agreement, or contract shall not be finalized under the authority granted by this section prior to the expiration of ninety calendar days (not including any day on which either House of Congress is not in session because of an adjournment of more than three calendar days to a day certain) from the date on which such report is received by such committees: *Provided*, That, where the cost of a demonstration facility to be assisted with a guarantee or cooperative agreement pursuant to subsection (b) or subsection (y) of this section exceeds $50,000,000 such guarantee or commitment to guarantee or cooperative agreement shall not be finalized unless (1) the making of such guarantee or commitment or agreement is specifically authorized by legislation hereafter enacted by the Congress or (2) both Houses pass a resolution stating in substance that the Congress favors the making of such guarantee or commitment or agreement.

"(n)(1) There is hereby created within the Treasury a separate fund (hereafter in this section called the 'fund') which shall be available to the Administrator without fiscal year limitation as a revolving fund for the purpose of carrying out the program authorized by subsection (b)(1) and subsections (g), (h), (k), and (y) of this section.

"(2) There are hereby authorized to be appropriated to the fund for administrative expenses from time to time such amounts as may be necessary to carry out the purposes of the applicable provisions of this section, including, but not limited to, the payments of interest and principal and the payment of interest differentials and redemption of debt. All amounts received by the Administrator as interest payments or repayments of principal on loans which are guaranteed under this section, fees, and any other moneys, property, or assets derived by him from operations under this section shall be deposited in the fund.

"(3) All payments on obligations, appropriate expenses (including reimbursements to other Government accounts), and repayments pursuant to operations of the Administrator under this section shall be paid from the fund subject to appropriations. If at any time the Administrator determines that moneys in the fund exceed the present and reasonably foreseeable future requirements of the fund, such excess shall be transferred to the general fund of the Treasury.

"(4) If at any time the moneys available in the fund are insufficient to enable the Administrator to discharge his responsibilities as authorized by subsections (b)(1), (g), (h), and (y) of this section, the Administrator shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Administrator from appropriations or other moneys available under paragraph (2) of this subsection for loan guarantees authorized by subsection (b)(1) and subsections (g), (h), (k), and (y) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection.

"(5) The provisions of this subsection do not apply to direct loans or planning grants made under subsection (k) of this section.

"(o) For the purposes of this section, the term—

"(1) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, any territory or possession of the United States,

"(2) 'United States' means the several States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa,

"(3) 'borrower' or 'applicant' shall include any individual, firm, corporation, company, partnership, association, society, trust, joint venture, joint stock company, or other non-Federal entity, and

"(4) 'biomass' shall include, but is not limited to, animal and timber waste, municipal and industrial waste, sewage sludge, and oceanic and terrestrial crops.

"(p)(1) An applicant seeking a guarantee or cooperative agreement under subsection (b) or subsection (y) of this section must be a citizen or national of the United States. A corporation, partnership, firm, or association shall not be deemed to be a citizen or national of the United States unless the Administrator determines that it satisfactorily meets all the requirements of section 802 of title 46, United States Code, for determining such citizenship, except that the provisions in subsection (a) of such section 802 concerning (A) the citizenship of officers or directors of a corporation, and (B) the interest required to be owned in the case of a corporation, association, or partnership operating a vessel in the coastwise trade, shall not be applicable.

"(2) The Administrator, in consultation with the Secretary of State, may waive such requirements in the case of a corporation, partnership, firm, or association, controlling interest in which is owned by citizens of countries which are participants in the International Energy Agreement.

"(q) No part of the program authorized by this section shall be transferred to any other agency or authority, except pursuant to Act of Congress enacted after the date of enactment of this section.

"(r) Inventions made or conceived in the course of or under a guarantee authorized by this section shall be subject to the title and waiver requirements and conditions of section 9 of this Act.

"(s) Nothing in this section shall be construed as affecting the obligations of any person receiving financial assistance pursuant to this section to comply with Federal and State environmental, land use, water, and health and safety laws and regulations or to obtain applicable Federal and State permits, licenses, and certificates.

"(t) The information maintained by the Administrator under this section shall be made available to the public subject to the provision of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination: *Provided*, That upon a showing satisfactory to the Administrator by any person that any information, or portion thereof obtained under this section by the Administrator directly or indirectly from such person would, if made public, divulge (1) trade secrets or (2) other proprietary information of such person, the Administrator shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code: *Provided further*, That the Administrator shall, upon request, provide such information to (A) any delegate of the Administrator for the purpose of carrying out this Act, and (B) the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Federal Trade Commission, the Federal Energy Administration, the Environmental Protection Agency, the Federal Power Commission, the General Accounting Office, other Federal agencies, or heads of other Federal agencies, when necessary to carry out their duties and responsibilities under this and other statutes, but such agencies and agency heads shall not release such information to the public. This section is not authority to withhold information from Congress, or from any committee of Congress upon request of the Chairman. For the purposes of this subsection, the term 'person' shall include the borrower.

"(u) Notwithstanding any other provision of this section, the authority provided in this section to make guarantees or commitments to guarantee or enter into cooperative agreements under subsection (b)(1) or subsection (y), to make guarantees or commitments to guarantees, or to make loans or grants, under subsection (k), to make contracts under subsection (h), and to use fees and receipts collected under subsections (b), (l), and (y) of this section, and the authorities provided under subsection (n) of this section shall be effective only to the extent provided, without fiscal year limitation, in appropriation Acts enacted after the date of enactment of this section.

"(v) No person in the United States shall on the grounds of race, color, religion, national origin, or sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with assistance made available under this section: *Provided*. That Indian tribes are exempt from the operation of this subsection: *Provided further*. That such exemption shall be limited to the planning and provision of public facilities which are located on reservations and which are provided for members of the affected Indian tribes as the primary beneficiaries.

"(w) In carrying out his functions under this section, the Administrator shall provide a realistic and adequate opportunity for small business concerns to participate in the program to the optimum extent feasible consistent with the size and nature of each project.

"(x)(1)(A) Recipients of financial assistance under this section shall keep such records and other pertinent documents, as the Administrator shall prescribe by regulation, including, but not limited to, records which fully disclose the disposition of the proceeds of such assistance, the cost of any facility, the total cost of the provision of public facilities for which assistance was used and such other records as the Administrator may require to facilitate an effective audit. The Administrator and the Comptroller General of the United States, or their duly authorized representatives shall have access, for the purpose of audit, to such records and other pertinent documents.

"(B) Within 6 months after the date of enactment of this section and at 6-month intervals thereafter, the Comptroller General of the United States shall make an audit of recipients of financial assistance under this section. The Comptroller General may prescribe such regulations as he deems necessary to carry out this subparagraph.

"(2) All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

"(y)(1) The Administrator is authorized in accordance with such rules and regulations as he shall prescribe after consultation with the Secretary of the Treasury, to guarantee and to make commitments to guarantee the payment of interest on, and the principal balance of, bonds, debentures, notes and other obligations issued by or on behalf of any borrower for the purpose of (A) financing the construction and startup costs of demonstration facilities for the conversion of municipal or industrial waste, sewage sludge, or other municipal organic wastes into synthetic fuels, and (B) financing the construction and startup costs of demonstration facilities to generate desirable forms of energy (including synthetic fuels) from municipal or industrial waste, sewage sludge, or other municipal organic waste. With respect to a guarantee or a commitment to guarantee authorized by this subsection; the following subsections of this section shall not apply: (b)(1), (b)(5), (c)(2), (c)(5), (c)(6), (c)(7), (c)(8), (c)(9), (e)(3), (j) (k), and (q).

"(2) In the case where the Administrator seeks to guarantee or to make commitments to guarantee as provided by this subsection he is authorized to incur an outstanding indebtedness which at no time shall exceed $300,000,000.

"(3) The Administrator shall apply the following provisions thereto:

"(A) With respect to any demonstration facility for the conversion of solid waste (as the term is defined in the Resources Conservation and Recovery Act (42 U.S.C. 6903)), the Administrator, prior to issuing any guarantee under this section, must be in receipt of a certification from the Administrator of the Environmental Protection Agency and any appropriate State or areawide solid waste management planning agency that the proposed application for a guarantee is consistent with any applicable suggested guidelines published pursuant to section 1008(a) of the Resources Conservation and Recovery Act, and any applicable State or regional solid waste management plan.

"(B) The amount guaranteed shall not exceed 75 per centum of the total cost of the commercial demonstration facility, as determined by the Administrator: *Provided*, That the amount guaranteed may not exceed 90 per centum of the total cost of the commercial demonstration facility during the period of construction and startup.

"(C) The maximum maturity of the obligation shall not exceed thirty years, or 90 per centum of the projected useful economic life of the physical assets of the commercial demonstration facility covered by the guarantee, whichever is less, as determined by the Administrator.

"(D) The Administrator shall charge and collect fees for guarantees of obligations in amounts sufficient in the judgment of the Administrator to cover the applicable administrative costs and probable losses on guaranteed obligations, but in any event not to exceed 1 per centum per annum of the outstanding indebtedness covered by the guarantee.

"(E) No part of the program authorized by this section shall be transferred to any other agency or authority, except pursuant to Act of Congress enacted after the date of enactment of this section: *Provided*, That project agreements entered into pursuant to this section for any commercial demonstration facility for the conversion or bioconversion of solid waste (as that term is defined in the Resource Conservation and Recovery Act) shall be administered in accordance with the May 7, 1976, Interagency Agreement between the Environmental Protection Agency and the Energy Research and Development Administration on the Development of Energy From Solid Wastes, and provided specifically that in accordance with this agreement (1) for those energy-related projects of mutual interest, planning will be conducted jointly by the Environmental Pro-

tection Agency and the Energy Research and Development Administration, following which project responsibility will be assigned to one agency; (ii) energy-related projects for recovery of synthetic fuels or other forms of energy from solid waste shall be the responsibility of the Energy Research and Development Administration; and (iii) the Environmental Protection Agency shall retain responsibility for the environmental, economic, and institutional aspects of solid waste projects and for assurance that such projects are consistent with any applicable suggested guidelines pursuant to section 1008 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.), as amended, and any applicable State or regional solid waste-management plan.

"(F) With respect to any obligation which is issued after the enactment of this section by, or in behalf of, any State, political subdivision, or Indian tribe and which is either guaranteed under, or supported by taxes levied by said issuer which are guaranteed under, this section, the interest paid on such obligation and received by the purchaser thereof (or the purchaser's successor in interest) shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954, as amended: *Provided*, That the Administrator shall pay to such issuer out of the fund established by this section such portion of the interest on such obligations, as determined by the Secretary of the Treasury to be appropriate after taking into account current market yields (i) on obligations of said issuer, if any, and (ii) on other obligations with similar terms and conditions the interest on which is not so included in gross income for purposes of chapter 1 of such Code, and in accordance with, such terms and conditions as the Secretary of the Treasury shall require.".

SEC. 208. (a) The Secretary of Energy shall—

(1) initiate and conduct an "application and system design study", cooperatively with appropriate Federal agencies, to determine the potential for the use of solar photovoltaic systems at specific Federal installations; and this study shall—

(A) include an analysis of those sites that are currently cost-effective for solar photovoltaic energy systems, using life-cycle costing techniques, as well as those which would be cost-effective at expected future market prices;

(B) identify potential sites and uses of solar photovoltaic energy systems at the following agencies as well as any others which the Secretary of Energy deems necessary:

(i) the Department of Defense;

(ii) the Department of Transportation (including the United States Coast Guard, the Federal Aviation Administration, and the Federal Highway Administration);

(iii) the Department of Commerce;

(iv) the Department of Agriculture; and

(v) the Department of the Interior;

(C) provide a preliminary report to Congress within nine months following the enactment of this Act;

(D) include the presentation of a detailed plan for the implementation of solar photovoltaic energy systems for power generation at specific sites in Federal government agencies to Congress within twelve months following the enactment of this Act;

(2) initiate and conduct a study of the options available to the Federal government to provide for the adequate growth of the solar photovoltaic industry and to include such possible incentives as government funding, loan guarantees, tax incentives, the operation of pilot plants or production lines and other incentives deemed worthy of consideration by the Secretary of Energy. A preliminary report shall be submitted to Congress within six months following the enactment of this Act;

(3) initiate and conduct a study involving the prospects for applications of solar photovoltaic energy systems for power generation in foreign countries, particularly lesser developed countries, and the potential for the exportation of these energy systems. This study shall involve the cooperation of the Department of State and the Department of Commerce, as well as other Federal agencies which the Secretary of Energy deems appropriate. A final report shall be submitted to the Congress, as well as a preliminary report within twelve months of the enactment of this Act; and

(4) be authorized to acquire up to an additional 4.0 megawatts (peak) of solar photovoltaic energy systems. The sum of $13,000,000 is hereby authorized to be appropriated (in addition to any other amounts authorized by this Act to be appropriated) for the fiscal year ending September 30, 1978, and for delivery in the following twelve months. Such sums shall remain available until expended. The solar photovoltaic energy systems acquired shall be available for use for power generation by Federal agencies, provided that no procurement takes place until their application on Federal sites is determined to be life cycle cost effective.

(b) For technology development, particularly for engineering design and development of the manufacturing process of solar photovoltaic energy systems (primarily for the implementation of automated processes and other cost reducing production technologies), the sum of $6,000,000 is hereby authorized by this Act to be appropriated for the fiscal year ending September 30, 1978.

SEC. 209. (a) Nothing in this title shall apply with respect to any authorization or appropriation for any military application of nuclear energy, for research and development in support of the Armed Forces, or for the common defense and security of the United States.

(b)(1) The term "military application" means any activity authorized or permitted by chapter 9 of the Atomic Energy Act of 1954, as amended (Public Law 83-703, as amended; 42 U.S.C. 2121, 2122).

(2) The term "research and development," as used in this section, is defined by section 11 *x* of the Atomic Energy Act of 1954, as amended (Public Law 83-703, as amended; 42 U.S.C. 2014).

(3) The term "common defense and security" means the common defense and security of the United States as used in the Atomic Energy Act of 1954, as amended (Public Law 83-703, as amended).

SEC. 210. (a) In order to provide economic farm units to qualifying farmers whose land is economically infeasible to reclaim from damages resulting from the Teton flood of June 5, 1976, and who are unable to find suitable replacement land for their flood damage farm, and in order to restore the economic and agricultural base of the flood damaged region, there is hereby transferred 5,955 acres of land, hereinafter described, in the State of Idaho presently under the jurisdiction of the Department of Energy, to the Secretary of the Interior who, acting through the Bureau of Reclamation, shall make such lands available for sale to qualifying farmers according to the terms hereafter provided.

(b) As used in this section, the term:

(1) "Teton flood" means the flood resulting from the collapse of Teton Dam of the Lower Teton Division of the Teton Basin Federal Reclamation Project on June 5, 1976.

(2) "Department of Energy" means those public and acquired lands in the State of Idaho identified as sections numbered fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25), and thirty-six (36), in township six (6) north, or range thirty-three (33) east of the Boise meridian; sections numbered nineteen (19), thirty (30), and thirty-one (31) in township six (6) north, of range thirty-four (34) east of the Boise meridian; and the southeast quarter, the south half of the northeast quarter, the east half of the southwest quarter and the southeast quarter of the northwest quarter, of section numbered eight (8) and the south half of the north half of section numbered nine (9) in township five (5) north, of range thirty-four (34) east of the Boise meridan, all situated in the county of Jefferson and State of Idaho ,and containing 5,955 acres, more or less, which would be transferred for the purposes of this Act.

(3) "Qualifying farmer" means the resident, owner-operator of a farm who resides in the immediate locality, whose livelihood is derived from his farming operation and whose land was damaged due to the collapse of the Teton Dam on June 5, 1976, to the extent that in the opinion of the Secretary of the Interior, it is not economically feasible to reclaim such land so that it produces an income commensurate with that earned prior to the Teton flood.

(4) "Irrigable land" means farm land that is suitable for irrigated agriculture and has been certified as irrigable by the Secretary of the Interior.

(c) For a period of not more than five years after transfer to the Bureau of Reclamation, the land heretofore described shall be available for purchase by those who, on or before October 1, 1978, are determined to be qualifying farmers pursuant to regulations issued in accordance with subsection (f) of this section by the Secretary of the Interior.

(d) Department of Energy lands as described in subsection (b)(2) of this section shall be certified as irrigable by the Secretary of the Interior, and lands so certified shall be made available in a manner to be prescribed by the Secretary for purchase by qualifying farmers at its current fair market value as determined by a board of appraisers composed of a Federal appraiser, a State appraiser, and one appraiser from the disaster region: *Provided*, That irrigable land transferred to a single ownership shall not exceed 160 acres of class I land as defined by the Secretary or the equivalent thereof in other land classes as determined by the Secretary. The United States through the Secretary, shall convey fee simple title of the Department of Energy land to the qualifying farmer. The cost of developing the replacement land for farming shall be borne by the qualifying farmer who purchases the land.

(e) Any part of the Department of Energy land remaining in the possession of the Bureau of Reclamation at the end of the five year period, except land needed for public rights-of-way, as determined by the Secretary, shall be returned to the Department of Energy.

(f) Within ninety days after the enactment of this Act the Secretary shall prescribe and publish in the Federal Register such rules and regulations as may be necessary and proper to carry out the provision of this section.

(g) Full recovery for the loss of all or part of flood-damaged farms shall be obtained by owners pursuant to the Teton Dam Disaster Assistance Act of 1976, Public Law 94-400, 90 Stat. 1211, and the Supplemental Appropriation Act of 1976, Public Law 94-438, 90 Stat. 1415.

(h) There is hereby authorized to be appropriated such sums as may be necessary for the purposes of administration of this section.

TITLE III—AUTOMOTIVE PROPULSION RESEARCH AND DEVELOPMENT

SHORT TITLE

SEC. 301. This title may be cited as the "Automotive Propulsion Research and Development Act of 1977".

FINDINGS AND PURPOSE

SEC. 302. (a) The Congress finds that—

(1) existing automobile propulsion systems, on the average, fall short of meeting the long-term goals of the Nation with re-

spect to environmental protection, and energy conservation;

(2) advanced alternatives to existing automobile propulsion systems could, with sufficient research and development effort, meet these long-term goals, and have the potential to be mass produced at reasonable cost; and advanced automobile propulsion systems could operate with significantly less adverse environmental impact and fuel consumption than existing automobiles, while meeting all of the other requirements of Federal law;

(3) insufficient resources are being devoted to both research on and development of advanced automobile propulsion system technology;

(4) an expanded research and development effort with respect to advance automobile propulsion system technology would complement and stimulate corresponding efforts by the private sector and would encourage automobile manufacturers to consider seriously the incorporation of such advanced technology into automobiles and automobile components; and

(5) the Nation's energy and environmental problems are urgent, and therefore advanced automobile propulsion system technology should be developed, tested, demonstrated, and prepared for manufacture within the shortest practicable time.

(b) It is therefore the purpose of the Congress, in this title, to—

(1) (A) direct the Department of Energy to make contracts and grants for research and development leading to the development of advanced automobile propulsion systems within 5 years of the date of enactment of this Act, or within the shortest practicable time consistent with appropriate research and development techniques, and (B) evaluate and disseminate information with respect to advanced automobile propulsion system technology;

(2) preserve, enhance, and facilitate competition in research, development, and production with respect to existing and alternative automobile propulsion systems; and

(3) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

DEFINITIONS

SEC. 303. As used in this title, the term—

(1) "advanced automobile propulsion system" means an energy conversion system, including engine and drive train, which utilizes advanced technology and is suitable for use in advanced automobile;

(2) "developer" means any person engaged in whole or in part in research or other efforts directed toward the development of advanced automobile technology;

(3) "fuel" means any energy source capable of propelling an automobile;

(4) "fuel economy" refers to the average distance traveled in representative driving conditions by an automobile per unit of fuel consumed, as determined by the Administrator of the Environmental Protection Agency in accordance with test procedures which shall be established by rule and shall require that fuel economy tests be conducted in conjunction with the exhaust emissions tests mandated by section 206 of the Clean Air Act (42 U.S.C. 1857f–5);

(5) "intermodal adaptability" refers to any characteristics of an automobile which enable it to be operated or carried, or which facilitate its operation or carriage, by or on an alternative mode or other system of transportation;

(6) "reliability" refers to (A) the average time and distance over which normal automobile operation can be expected without significant repair or replacement of parts, and (B) the ease of diagnosis and repair of an automobile, its systems, and parts in the event of failure during use or damage from an accident;

(7) "safety" refers to the performance of an automotive propulsion system or equipment in such a manner that the public is protected against unreasonable risk of accident and against unreasonable risk of death or bodily injury in case of accident; and

(8) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

DUTIES OF THE ADMINISTRATOR

SEC. 304. (a) The Secretary of Energy shall establish, within the Department of Energy, a program to insure the development of advanced automobile propulsion systems within 5 years after the date of enactment of this Act, or within the shortest practicable time, consistent with appropriate research and development technique. In conducting such program, the Secretary of Energy shall—

(1) establish and conduct new projects and accelerate existing projects which may contribute to the development of advanced automobile propulsion systems;

(2) give priority attention to the development of advanced propulsion systems with appropriate attention to those advanced propulsion systems which are flexible in the type of fuel used; and

(3) insure that research and development under this title supplements, but neither supplants nor duplicates, the automotive research and development efforts of private industry.

(b) The Secretary of Energy shall, in fulfilling his responsibilities under this title, make contracts and grants with any Federal agency, laboratory, university, nonprofit organization, industrial organization, public or private agency, institution, organization, corporation, partnership, or individual for research and development leading to advanced automobile propulsion systems which are likely to help meet the Nation's long-term goals with respect to fuel economy, environmental protection, and other objectives.

(c) In providing financial assistance under this title, the Secretary of Energy shall give full consideration to the capabilities of Federal laboratories, except that not more than 60 per centum of the funds appropriated pursuant to the authorization under section 312 shall be directly expended in Federal laboratories. In accordance with section 307, such laboratories shall be available for testing components and subsystems which, in the Secretary of Energy's judgment, is likely to contribute to the development of advanced automobile propulsion systems.

(d) The Secretary of Energy shall conduct evaluations, arrange for tests, and disseminate information pursuant to section 307 and submit reports required under section 310.

(e) The Department of Energy shall intensify research in key basic science areas in which the lack of knowledge limits development of advanced automobile propulsion systems.

(f) (1) The Secretary of Energy shall insure that the conduct of the program as defined in subsection (a) of this section—

(A) supplements the automotive propulsion system research and development efforts of industry;

(B) is not formulated in a manner that will supplant private industry research and development or displace or lessen industry's research and development; and

(C) avoids duplication of private research and development.

(2) To that end, the Secretary of Energy shall issue administrative regulations, within 60 days after the date of the enactment of this Act, which shall specify procedures, standards, and criteria for the timely review for compliance of each new contract, grant, Department of Energy project, or other agency project funded or to be funded under the authority of this Act. Such regulations shall require that the Secretary of Energy or his designee shall certify that each such contract, grant, or project satisfies the requirement of this subsection, and shall include in such certification a discussion of the relationship of any related or comparable industry research and development, in terms of this subsection, to the proposed research and development under the authority of this Act. The discussion hall also address related issues, such as cost sharing and patent rights.

(3) Such certifications shall be available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and natural Resources of the Senate. The Provisions of chapter 5 of title 5, United States Code, shall not apply to such certifications and no court shall have any jurisdiction to review the preparation or adequacy of such certifications; but section 553 of title 5, United States Code, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, shall apply to public disclosure of such certifications.

(4) The Secretary of Energy also shall include in the report required by section 310 (a) of this Act a detailed discussion of how each research and development contract, grant, or project funded under the authority of this Act satisfies the requirement of this subsection.

(5) Further, the Secretary of Energy in each annual budget submission to the Congress, or amendment thereto, for the programs authorized by this Act shall describe how each identified research and development effort in such submission satisfies the requirements of this subsection.

(6) The provisions and requirements of this subsection shall not apply with respect to any contract, grant, or project which was entered into, made, or formally approved and initiated prior to the enactment of this Act, or with respect to any renewal or extension thereof.

DUTIES OF THE SECRETARY OF TRANSPORTATION

SEC. 305. The Secretary of Transportation, in furtherance of the purposes of this title, shall evaluate the extent to which the automobile industry utilizes advanced automotive technology which is or could be made available to it. The Secretary of Transportation shall submit a report to the Congress each year on the results of such evaluation including any appropriate recommendations which may encourage the utilization of advanced automobile technology by the automobile industry.

COORDINATION AND CONSULTATION

SEC. 306. (a) The Secretary of Energy shall have overall management responsibility for carrying out the program under section 304. In carrying out such program, the Secretary of Energy, consistent with such overall management responsibility—

(1) shall utilize the expertise of the Department of Transportation to the extent deemed appropriate by the Secretary of Energy; and

(2) may utilize any other Federal agency (except as provided in paragraph (1)) in accordnace with subsection (c) in carrying out any activities under this title, to the extent that the Secretary of Energy determines that any such agency has capabilities which would allow such agency to contribute to the purposes of this title.

(b) The Secretary of Transportation, whenever the expertise of the Department of Transportation is utilized in accordance with subsection (a), may exercise the powers granted to the Secretary of Energy under subsection (c) and shall enter into contracts and make grants for such purpose, subject to

the overall management responsibility of the Secretary of Energy.

(c) The Secretary of Energy may, in accordance with subsection (a), obtain the assistance of any department, agency, or instrumentality of the executive branch of the Federal Government upon written request, on a reimbursable basis or otherwise and with the consent of such department, agency or instrumentality. Each such request shall identify the assistance the Secretary of Energy deems necessary to carry out any duty under this title.

(d) The Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, and shall establish procedures for periodic consultation with representatives of science, industry, and such other groups as may have special expertise in the area of automobile propulsion system research, development, and technology. The Secretary of Energy may establish such advisory panels as he deems appropriate to review and make recommendations with respect to applications for funding under this title.

(e) Nothing contained in this title shall be construed to reduce in any way the responsibilities of the Secretary of Energy for automative research, development, and demonstration under the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.) and the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

EVALUATION, TESTING, AND INFORMATION DISSEMINATION

SEC. 307.(a) The Secretary of Energy shall, for the purposes of performing his responsibilities under this title, consider any reasonable new or improved technology, a description of which is submitted to the Secretary of Energy in writing, which could lead or contribute to the development of advanced automobile propulsion system technology.

(b) The Administrator of the Environmental Protection Agency shall test, or cause to be tested, in a facility subject to Environmental Protection Agency supervision, each advanced automobile propulsion system in an appropriately modified production vehicle equipped with such a system developed in whole or in part with Federal financial assistance under this title, or referred to the Administrator of the Environmental Protection Agency for such purpose by the Secretary of Energy, to determine whether such vehicle complies with any exhaust emission standards or any other requirements promulgated or reasonably expected to be promulgated under any provision of the Clean Air Act (42 U.S.C. 1857 et seq.), the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), or any other provision of Federal law administered by the Administrator of the Environmental Protection Agency. In conjunction with any test for compliance with exhaust emission standards under this section, the Administrator of the Environmental Protection Agency shall also conduct tests to determine the fuel economy of such vehicle. The Administrator of the Environmental Protection Agency shall submit all test data and the results of such tests to the Secretary of Energy.

(c) The Secretary of Energy shall collect, analyze, and disseminate to developers information, data, and materials that may be relevant to the development of advanced automobile propulsion system technology.

PATENTS

SEC. 308. Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) shall apply to any contract (including any assignment, substitution of parties, or subcontract thereunder) or grant, entered into, made, or issued by the Secretary of Energy under this title.

COMPTROLLER GENERAL AUDIT AND EXAMINATION

SEC. 309. Section 306 of the Energy Reorganization Act of 1974 (42 U.S.C. 5876) shall appy with respect to the authority of the Comptroller General to have access to and rights of examination of books, documents, papers, and records of recipients of financial assistance under this title; except that for the purposes of this title, the term "contract" (as used in section 166 of the Atomic Energy Act (42 U.S.C. 2206), insofar as it relates to such section 306) means "contract or grant."

REPORTS

SEC. 310. (a) As a separate part of the annual report submitted under section 15(a) of the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to the comprehensive plan and program then in effect under section 6 (a) and (b) of such Act, the Secretary of Energy shall submit to Congress an annual report of activities under this title. Such report shall include—

(1) a current comprehensive program definition for implementing this title;

(2) an evaluation of the state of automobile propulsion system research and development in the United States;

(3) the number and amount of contracts and grants made under this title;

(4) an analysis of the progress made in developing advanced automobile propulsion system technology; and

(5) suggestions for improvements in advanced automobile propulsion system research and development, including recommendations for legislation.

(b) The Secretary of Energy shall conduct a survey of developers, lending institutions, and other appropriate persons or institutions and shall otherwise make a study for the purpose of determining whether, and under what conditions, research, development, demonstration, and commercial availability of advanced automobile propulsion system technology may be aided by the guarantee of financial obligations by the Federal Government. The Secretary of Energy shall report the results of such survey and study to the Congress within 1 year after the date of enactment of this Act. Such report shall include an examination of those stages of advanced automobile propulsion system technology research, development, demonstration, and commercialization for which financial obligation guarantees may be useful or appropriate and shall contain such legislative recommendations as may be necessary.

AMENDMENT OF THE NATIONAL AERONAUTICS AND SPACE ACT

SEC. 311. (a) Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended by redesignating subsection (e) as subsection (f), and by inserting immediately after subsection (d) the following new subsection:

"(e) The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward the development of advanced automobile propulsion systems. Such development shall be conducted so as to contribute to the development and shall be conducted so as to contribute to the achievement of the purposes set forth in section 302(b) of the Automotive Propulsion Research and Development Act of 1977.".

(b) The subsection of section 102 of such Act redesignated as subsection (f) by subsection (a) of this section is amended by striking out "and (d)" and inserting in lieu thereof "(d), and (e)".

AUTHORIZATION FOR APPROPRIATION

SEC. 312. There is authorized to be appropriated to carry out the purposes of this title, in addition to any amounts made available for such purposes pursuant to title I of this Act, the sum of $12,500,000 for the fiscal year ending September 30, 1978.

TITLE IV—ESTABLISHMENT OF FINANCIAL SUPPORT PROGRAM FOR MUNICIPAL WASTE REPROCESSING DEMONSTRATION FACILITIES

SEC. 401. The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), as amended by section 207 of this Act, is further amended by adding at the end thereof the following new section:

"FINANCIAL SUPPORT PROGRAM FOR MUNICIPAL WASTE REPROCESSING DEMONSTRATION FACILITIES

"SEC. 20. (a) It is the purpose of this section—

"(1) to assure adequate Federal support to foster a program to demonstrate municipal waste reprocessing for the production of fuel and energy intensive products; and

"(2) to gather information about the technological, economic, environmental, and social costs, benefits, and impacts of such demonstration facilities.

"(b)(1) The Administrator is authorized and directed, to the extent provided in appropriation Acts, to establish such a demonstration program by making grants, contracts, price supports, and cooperative agreements pursuant to this Act or any combination thereof for the establishment of municipal waste reprocessing demonstration facilities. For the purpose of this section municipal waste shall include but not be limited to municipal solid waste, sewage sludge, and other municipal organic wastes.

"(2) The aggregate amount of funds available for grants, contracts, price supports, and cooperative agreements for municipal waste reprocessing demonstration facilities shall not exceed $20,000,000 in the fiscal year ending September 30, 1978.

"(3) For purposes of this section the term 'municipal' shall include any city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

"(4) Municipal waste reprocessing demonstration facilities established under this section shall be owned or operated (or both owned and operated) by the municipality and shall involve the recovery of energy or energy intensive products. Such facilities may be established by any public or private entity, by contract or otherwise, as may be determined by the local government which will own or operate (or both own and operate) such facilities and to which financial support is provided. The Federal share for any such facility to which this section applies shall not exceed 75 per centum of the cost of such facility, and not more than $40,000,000 in Federal funds under this section may be used for the construction of any one facility.

"(5) The Administrator shall promulgate such regulations as he deems necessary, pursuant to section 7(a)(4) and section 7(c)(1) and (6) of this Act, for purposes of establishing a price support program for revenue producing products of municipal waste reprocessing demonstration facilities.

"(c)(1) The Administrator shall consult with the Environmental Protection Agency to assure that the provisions of section 8004 of the Resource Conservation and Recovery Act of 1976 (Public Law 94–580) are applied in carrying out this section.

"(2) Any energy-related research, development, or demonstration project for the conversion (including bioconversion) of municipal waste carried out by the Energy Research and Development Administration pursuant to this or any other Act shall be administered in accordance with the May 7, 1976, Interagency Agreement between the Environ-

mental Protection Agency and the Energy Research and Development Administration on the development of energy from solid wastes; and specifically, in accordance with such Agreement (A) for those energy-related projects of mutual interest, planning will be conducted jointly by the Environmental Protection Agency and the Energy Research and Development Administration, following which project responsibility will be assigned to one agency; (B) energy-related aspects of projects for recovery of fuels or energy intensive products from municipal waste as defined in this section shall be the responsibility of the Energy Research and Development Administration including energy-related economic and institutional aspects; and (C) the Environmental Protection Agency shall retain responsibility for the environmental and other economic and institutional aspects of solid waste projects and for assurance that such projects are consistent with any applicable suggested guidelines published pursuant to section 1008 of the Resource Conservation and Recovery Act of 1976 (Public Law 94–580), and any applicable State or regional waste management plan.

"(d)(1) The Administrator shall establish such guidelines as he deems necessary for purposes of obtaining pertinent information from municipalities receiving funding under this section. These guidelines shall include but not be limited to methods of assessment and evaluation of projects authorized under this section. Such assessments and evaluations shall be presented by the Administrator to the House Committee on Science and Technology and the Senate Committee on Energy and Natural Resources upon the request of either such committee.

"(2) The Administrator shall annually submit a report to the Congress concerning the actions taken or not taken by the Administrator under this section during the preceding fiscal year, and including but not limited to (A) a discussion of the status of each demonstration facility and related facilities financed under this section, including progress made in the development of such facilities, and the expected or actual production from each such facility including byproduct production therefrom, and the distribution of such products and byproducts, (B) a statement of the financial condition of each such demonstration facility, (C) data concerning the environmental, community, and health and safety impacts of each such facility and the actions taken or planned to prevent or mitigate such impacts, (D) the administrative and other costs incurred by the Administrator and other Federal agencies in carrying out this program, and (E) such other data as may be helpful in keeping Congress and the public fully and currently informed about the program authorized by this section.

"(3) The annual reports required by this subsection shall be a part of the annual report required by section 15 of this Act, except that the matters required to be reported by this subsection shall be clearly set out and identified in such annual reports. Such reports shall be transmitted to the Speaker of the House of Representatives and the House Committee on Science and Technology and to the President of the Senate and the Senate Committee on Energy and Natural Resources.

"(e) No part of the program authorized by this section shall be transferred to any other agency or authority, except pursuant to Act of Congress enacted after the date of the enactment of this section.

"(f) Nothing in this section shall be construed as abrogating any obligations of any municipality receiving financial assistance pursuant to this section to comply with Federal and State environmental, land use, water, and health and safety laws and regulations or to obtain applicable Federal and State permits, licenses, and certificates.".

TITLE V—AMENDMENTS TO THE GEOTHERMAL ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT

SEC. 501. As used in this title—

(1) the term "Act" means the Geothermal Energy Research, Development, and Demonstration Act of 1974 (88 Stat. 1079); and

(2) the term "Administrator" means the Administrator of the Energy Research and Development Administration.

SEC. 502. Section 101(b) of the Act is amended—

(1) by striking out subparagraph (E) of paragraph (1) and inserting in lieu thereof the following:

"(E) the Assistant Administrator of the Energy Research and Development Administration for Solar, Geothermal, and Advanced Energy Systems;";

(2) by striking out the period at the end of paragraph (1) and inserting in lieu thereof a semicolon;

(3) by adding at the end of paragraph (1) the following new subparagraphs:

"(G) an Assistant Administrator of the Environmental Protection Agency;

"(H) an Assistant Secretary of Treasury; and

"(I) an Assistant Secretary of Agriculture."; and

(4) by striking out "one member of the Project" in paragraph (2) and inserting in lieu thereof "the Assistant Administrator of the Energy Research and Development Administration for Solar, Geothermal, and Advanced Energy Systems".

SEC. 503. Section 103(b)(4) of the Act is amended by inserting the phrase "or administrative regulations" after "legislation", and by inserting, "environmental and taxing" after "leasing".

SEC. 504. Section 105(e)(3) of the Act is amended by striking out the period and inserting in lieu thereof "or such assistance would not be adequate to satisfy the goals and requirements of the demonstration program under this section.".

SEC. 505. Section 201(b) of the Act is amended by striking out "or" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or ", and by adding at the end thereof the following new paragraph:

"(5) construction and operation of a new commercial, agricultural, or industrial structure or facility or modification and operation of an existing commercial, agricultural, or industrial structure or facility, when geothermal hot water or steam is to be used within or by such structure or facility, or modification thereto, for the purposes of space heating or cooling, industrial or agricultural processes, onsite generation of electricity for use other than for sale or resale in commerce, other commercial applications, or combinations of applications separately eligible under this title for loan guarantee assistance.".

SEC. 506. Section 201(b)(4) of the Act is amended by striking out "from" and inserting in lieu thereof "using".

SEC. 507. Section 201 (c) of the Act is amended by adding at the end thereof the following new sentence: "In the case of a guaranty for the purposes specified in subsection (b)(5), the aggregate cost of the project shall be deemed to be that portion of the total cost of construction and operation which is directly related to the utilization of geohermal energy within the structure or facility in question, except that the aggregate cost of the project with respect to which the loan is made may be the total cost including construction and operation in cases where the facility or structure has been located near a geothermal energy resource predominantly for the purpose of utilizing geothermal energy, or as determined by the Administrator the economic viability of the project is substantially dependent upon the performance of the geothermal reservoir.".

SEC. 508. Section 201(e) of the Act is amended—

(1) by striking out "$25,000,000" and inserting in lieu thereof $100,000,000: *Provided*, That in the case of a guaranty under subsection (b)(5), the amount of the guaranty for any loan for a project shall not exceed $50,000,000";

(2) by striking out "$50,000,000" and inserting in lieu thereof "$200,000,000"; and

(3) by inserting before the period at the end thereof the following: ", unless the Administrator determines in writing that a guaranty in excess of these amounts is in the national interest. Any such determination shall be submitted to the Speaker of the House and the Committee on Science and Technology of the House of Representatives, and to the President of the Senate and the Committee on Energy and Natural Resources of the Senate, accompanied by a full and complete report on the proposed project and guaranty. The proposed guaranty or commitment to guarantee shall not be finalized under authority granted by this Act prior to the expiration of thirty calendar days (not including any date on which either House of Congress is not in session) from the date on which such report is received by the Speaker of the House and the President of the Senate: *Provided*, That such guaranty or commitment to guarantee shall not be finalized if prior to the close of such thirty-day period either House passes a resolution stating in substance that such House does not favor the making of such guaranty or commitment to guarantee."

SEC. 509. Section 201 of the Act is further amended by adding at the end thereof the following new subsections:

"(g) With respect to any guaranty which is issued after the enactment of this subsection by, or in behalf of, any State, political subdivision, or Indian tribe and which is either guaranteed under, or supported by taxes levied by said issuer which are guaranteed under this title, and for which the interest paid on such obligation and received by the purchaser thereof is included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954, as amended, the Administrator shall pay to such issuer out of the fund established by this title such portion of the interest on such obligations, as determined by the Administrator, in consultation with the Secretary of the Treasury, to be appropriated after taking into account current market yields (1) on obligations of such issuer, if any, or (2) on other obligations with similar terms and conditions, the interest on which is not so included in gross income for purposes of chapter 1 of said Code, and in accordance with such terms and conditions as the Administrator shall require in consultation with the Secretary of the Treasury.

"(h) The full faith and credit of the United States is pledged to the payment of all guaranties issued under this title with respect to principal and interest.

"(i) The Administrator shall charge and collect fees for guaranties in amounts sufficient in his judgment to cover applicable administrative costs and probable losses on guaranteed obligations, but in any event not to exceed 1 per centum per annum of the outstanding indebtedness covered by each guaranty. Fees collected under this subsection shall be deposited in the fund established by this title.

"(j) The Secretary of the Treasury shall insure to the maximum extent feasible that the timing, interest rate, and substantial

terms and conditions of any guaranty exceeding $25,000,000 will have the minimum possible impact on the capital markets of the United States, taking into account other Federal direct and indirect commercial securities activities.".

SEC. 510. Section 202 of the Act is amended to read as follows:

"DEFAULT; PAYMENT OF INTEREST

"Sec. 202. (a) If there is a default by the borrower, as defined in regulations promulgated by the Administrator and set forth in the guarantee contract, the holder of the obligation shall have the right to demand payment of the unpaid amount from the Administrator. Within such period as may be specified in the guarantee or related agreements, the Administrator shall pay to the holder of the obligation the unpaid interest on, and unpaid principal of the guaranteed obligation as to which the borrower has defaulted, unless the Administrator finds that there was no default by the borrower in the payment of interest or principal or that such default has been remedied. Nothing in this section shall be construed to preclude any forebearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the guaranteed obligation and approved by the Administrator.

"(b) If the Administrator makes a payment under subsection (a) of this subsection, the Administrator shall be subrogated to the rights of the recipient of such payment as specified in the guarantee or related agreements including, where appropriate, the authority (notwithstanding any other provision of law) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such guarantee or related agreements, or to permit the borrower, pursuant to an agreement with the Administrator, to continue to pursue the purposes of the project if the Administrator determines this to be in the public interest. The rights of the Administrator with respect to any property acquired pursuant to such guarantee or related agreements, shall be superior to the rights of any other person with respect to such property.

"(c) In the event of a default on any guarantee under this title, the Administrator shall notify the Attorney General, who shall take such action as may be appropriate to recover the amounts of any payments made under subsection (a), including any payment of principal and interest under subsection (d), from such assets of the defaulting borrower as are associated with the project, or from any other security included in the terms of the guarantee.

"(d) With respect to any obligation guaranteed under this title, the Administrator is authorized to enter into a contract to pay, and to pay, holders of the obligation, for and on behalf of the borrower, from the Geothermal Resources Development Fund, the principal and interest payments which become due and payable on the unpaid balance of such obligation if the Administrator finds that—

"(1) the borrower is unable to meet such payments and is not in default; it is in the public interest to permit the borrower to continue to pursue the purposes of such project; and the probable net benefit to the Federal Government in paying such principal and interest will be greater than that which would result in the event of a default;

"(2) the amount of such payment which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement; and

"(3) the borrower agrees to reimburse the Administrator for such payment on terms and conditions, including interest, which are satisfactory to the Administrator.".

SEC. 511. Section 204 of the Act is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection (c):

"(c) If at any time the moneys available in the fund are insufficient to enable the Administrator to discharge his responsibilities under this title, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. This borrowing authority shall be effective only to such extent or in such amounts as are specified in appropriation Acts. Such authorizations may be without fiscal year limitations. Redemption of such notes or obligations shall be made by the Administrator from appropriations or other moneys available under this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.".

SEC. 512. Title II of the Act is further amended by adding at the end thereof the following new section:

"COMMUNITY IMPACT ASSISTANCE

"SEC. 205. (a) The Administrator, for any project which has a guarantee under this title of not less than $50,000,000 and which will have an intended operating life of not less than five years to satisfy the purposes under this title for which the guarantee has been made, shall endeavor to insure that, taking into consideration appropriate local community action and all reasonaby available forms of assistance under this section and other Federal and State statutes, that the impacts resulting from the proposed project have been fully evaluated by the borrower, the Administrator, and the Governor of the affected State, and that effective steps have been taken or will be taken in a timely manner to finance community planning and development costs resulting from such project under this section, if applicable under other provisions of law, or by other means. When the project will be located on leased Federal lands, the Administrator shall specifically review State and local actions under section 9(a) of the Mineral Leasing Act Amendments of 1976 (Public Law 94-377) and insure that any funds made available to the State pursuant to such section 9(a) are used to finance such planning and development costs before any Federal assistance under subsection (c) of this section is considered or authorized.

"(b) The Administrator, for projects not included under subsection (a), may in his discretion consider the community impacts which may result from such projects, and may take such actions, under authority directly available to him under other statutes or in coordination with other Federal agencies or the State, as he considers necessary and appropriate to insure timely and effective planning and financing for such community impacts.

"(c)(1) In order to discharge his responsibilities under subsection (a), and in accordance with such rules and regulations as the Administrator in consultation with the Secretary of the Treasury shall prescribe, and subject to such terms and conditions as he deems appropriate, the Administrator is authorized, for the purposes of financing essential community development and planning which directly result from, or are necessitated by, a project under subsection (a), to—

"(A) guarantee and make commitments to guarantee the payment of interest on, and the principal balance of, obligations for such financing issued by eligible States, political subdivisions or Indian tribes.

"(B) guarantee and make commitments to guarantee the payment of taxes imposed on such project by eligible non-Federal taxing authorities which taxes are earmarked by such authorities to support the payment of interest and principal on obligations for such financing, and

"(C) require that the qualified borrower receiving assistance for a project under this section advance sums to eligible States, political subdivisions, and Indian tribes to pay for the financing of such development and planning: *Provided*, That the State, political subdivision, or Indian tribe agrees to provide tax abatement credits over the life of the project for such payments by such applicant.

"(2) No guarantee or commitment to guarantee under paragraph (1) of this subsection shall exceed $1,000,000.

"(3) In the event of any default by the borrower in the payment of taxes guaranteed by the Administrator under this section, the Administrator shall pay out of the fund established by this title such taxes at the time or times they may fall due, and shall have by reason of such payment a claim against the borrower for all sums paid plus interest.

"(4) If after consultation with State, political subdivision or Indian tribe, the Administrator finds that the financial assistance programs of paragraph (1) of this section will not result in sufficient funds to carry out the purposes of this subsection, then the Administrator may—

"(A) make direct loans to the eligible States, political subdivisions, or Indian tribes for such purposes: *Provided*, That such loans shall be made on such reasonable terms and conditions as the Administrator shall prescribe: *Provided further*, That the Administrator may waive repayment of all or part of a loan made under this paragraph, including interest, if the State or political subdivision or Indian tribe involved demonstrates to the satisfaction of the Administrator that due to a change in circumstances there will be net adverse impacts resulting from such project that would probably cause such State, subdivision, or tribe to default on the loan; or

"(B) require that any community development and planning costs which are associated with, or result from, such project, and which are determined by the Administrator to be appropriate for such inclusion, shall be included in the aggregate costs of the project.

"(5) The Administrator is further authorized to make grants to States, political subdivisions, or Indian tribes for studying and planning for the potential economic, environmental, and social consequences of projects and for establishing related management expertise.

"(6) At any time the Administrator may, in consultation with the Secretary of the Treasury, redeem, in whole or in part, out of the fund established by this section, the debt obligations guaranteed or the debt obligations for which tax payments are guaranteed under this subsection.

"(7) When one or more States, political subdivisions, or Indian tribes would be eligible for assistance under this subsection, but for the fact that construction and operation of the project occurs outside its jurisdiction, the Administrator is authorized to provide, to the greatest extent possible, arrangements for equitable sharing of such assistance.

"(8) Such amounts as may be necessary for direct loans and grants pursuant to this subsection shall be available as provided in annual authorization Acts.

"(9) The Administrator, if appropriate, shall provide assistance in the financing of up to 100 per centum of the costs of the required community development and planning pursuant to this section.

"(10) In carrying out the provisions of this section, the Administrator shall provide that title to any facility receiving financial assistance under this section shall vest in the applicable State, political subdivision, or Indian tribe, as appropriate, and in the case of default by the borrower on a loan guarantee made or committed under subsection (b) of this section, such facility shall not be considered a project asset for the purposes of section 202 of this Act.

"(11) The Administrator shall not use his authority under this subsection to provide Federal assistance unless any Federal funds transferred pursuant to section 9(a) of the Mineral Leasing Act Amendments of 1976 (Public Law 94-377) to the State from the lease of Federal land for or associated with the project have been or, with assurance, will be committed, to the maximum extent allowable under Federal statutes, to financing such essential community development or planning directly resulting from, or necessitated by, a project on leased Federal lands.".

TITLE VI—ELECTRIC AND HYBRID VEHICLE RESEARCH DEVELOPMENT, AND DEMONSTRATION PROGRAM

SEC. 601. (a) Section 7(b)(3) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2506(b)(3)) is amended by striking out ", except that rules promulgated under paragraph (1) shall be amended not later than 6 months prior to the date for contracts specified in subsection (c)(2).".

(b) Section 7(b)(4) of such Act (15 U.S.C. 2506(b)(4)) is amended to read as follows:

"(4) The Administrator shall transmit to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the performance standards developed under paragraph (1) and all revised performance standards established in connection with the demonstrations specified in subsection (c)(2).".

(c) Section 7(c) of such Act (15 U.S.C. 2506(c)) is amended to read as follows:

"(c)(1) The Administrator shall, within 6 months after the date of promulgation of performance standards pursuants to subsection (b)(1), institute the first contracts for the purchase or lease of electric or hybrid vehicles which satisfy the performance standards set forth under (b)(1). The delivery of which vehicles shall be completed according to the expedited best effort of the administering agency and the selected manufacturer. To the extent practicable, vehicles purchased or leased under such contracts shall represent a cross section of the available technologies and of actual or potential vehicle use.

"(2) Thereafter, according to a planned schedule, the Administrator shall contract for the purchase or lease of additional electric or hybrid vehicles which satisfy amended performance standards and represent continuing improvements in state-of-the-art. In conducing demonstrations, the Administrator shall consider—

"(A) the need and intent of the Congress to stimuate and encourage private sector production as well as public knowledge, acceptance, and use of electric and hybrid vehicles; and

"(B) demonstration of varying degrees of which operations, management, and control for maximum wide-spread effectiveness and exposure to public use.

"(3) The demonstration period shall extend through the fiscal year 1986, with purchase or leasing continuing through the fiscal year 1984. During the demonstration period the Administrator shall demonstrate 7,500 to 10,000 electric and hybrid vehicles. No more than 400 vehicles may be procured for this purpose during fiscal year 1978. In order to allow industry time for advanced planning, the size and nature of projected electric and hybrid vehicle leasing and procurements will be made public by the administering agency. Publications under the preceding sentence (each covering a period of two years) shall be released annually starting at an appropriate time in the fiscal year 1978.

"(4) If the Administrator determines on the basis of his annual review of the program under this Act that—

"(A) at least 200 vehicles cannot be added to the project during the fiscal year 1978, or

"(B) at least 600 vehicles cannot be added to the project during the fiscal year 1979, or

"(C) at least 1,700 vehicles cannot be added to the project during the fiscal year 1980, or

"(D) at least 7,500 vehicles in the aggregate cannot be added to the project during the fiscal years 1981 through 1984.

he shall immediately forward a detailed explanation thereof to the Speaker of the House of Representatives, the President of the Senate, the Committee on Science and Technology of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate.".

SEC. 602. Section 8 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2507) is amended by adding at the end thereof the following new subsections:

"(d) In addition to contracting for the purchase or lease of vehicles when conducting the demonstrations established under section 7, the Administrator may acquire or secure use of such vehicles, or have such vehicles acquired or used by others, by making agreements and utilizing various forms of Federal assistance and participation which is authorized under the Energy Reorganization Act of 1974 (Public Law 93-438) and the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577).

"(e) When contracting and otherwise using Federal funds to conduct demonstrations under this Act, the Administrator shall seek cost sharing with others to the maximum extent practical. During the first 2 years of demonstration activities the Administrator may enter into procurement or lease contracts for purposes of carrying out demonstrations under this Act without regard to the provisions of title III of the Act of March 3, 1933 (47 Stat. 1520; 41 U.S.C. 10a-10c).".

SEC. 603. (a)(1) Section 10(e) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (15 U.S.C. 2509(e)) is amended by adding at the end of the following new paragraph:

"(3)(A) There is established in the Treasury of the United States an Electric and Hybrid Vehicle Development Fund (hereinafter in this paragraph referred to as the 'fund'), which shall be available to the Administrator for carrying out the loan guarantee and principal and interest assistance program authorized by this Act, including the payment of administrative expenses incurred in connection therewith. Moneys in the fund not needed for current operations may, with the approval of the Secretary of the Treasury, be invested in bonds or other obligations of, or guaranteed by, the United States.

"(B) There shall be paid into the fund such part of the amounts appropriated pursuant to section 16 as the Administrator deems necessary to carry out the purposes of this Act and such amounts as may be returned to the United States pursuant to subsection (g) of this section, and the amounts in the fund shall remain available until expended, except that after the expiration of the 7-year period established by subsection (h) of this section such amounts in the fund as are not required to secure outstanding guarantee obligations shall be paid into the general fund of the Treasury.

"(C) If at any time the moneys available in the fund are insufficient to enable the Administrator to discharge his responsibilities under this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of the Treasury. This borrowing authority shall be effective only to such extent or in such amounts as are specified in appropriation Acts. Such authority shall be without fiscal year limitation. Redemption of such notes or obligations shall be made by the Administrator from appropriations or other moneys available under this Act. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall not be less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(D) Business-type financial reports covering the operations of the fund shall be submitted to the Congress by the Administrator annually upon the completion of the appropriate accounting period.".

(2) Section 10 of such Act is further amended by adding at the end thereof the following new subsection:

"(j) The full faith and credit of the United States is pledged to the payment of all obligations incurred under this section.".

(b) Section 10(g) of such Act (15 U.S.C. 2509(g)) is amended to read as follows:

"(g)(1) With respect to any loan guaranteed pursuant to this section, the Administrator is authorized to enter into a contract to pay, and to pay, the lender for and on behalf of the borrower the principal and interest charges which become due and payable on the unpaid balance of such loan if the Administrator finds—

"(A) that the borrower is unable to meet principal and interest charges, that it is in the public interest to permit the borrower to continue to pursue the purposes of the project, and that the probable net cost to

the Federal Government in paying such principal will be less than that which would result in the event of a default; and

"(B) that the amount of such principal and interest charges which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement.

"(2) In the event of any default by a qualified borrower on a guaranteed loan, the Administrator is authorized to make payment in accordance with the guarantee, and the Attorney General shall take such action as may be appropriate to recover the amounts of such payments (including any payment of principal and interest under paragraph (1)) from such assets of the defaulting borrower as are associated with the activity with respect to which the loan was made or from any other surety included in the terms of the guarantee."

(c) Section 10(h) of such Act (15 U.S.C. 2509(h) is amended by striking out "the 5-year period" and inserting in lieu thereof "the 7-year period".

EXTENSIONS OF REMARKS

ALTERNATIVES TO DAMS

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 29, 1977

Mr. COHEN. Mr. Speaker, on September 7, I rose in this House to announce that, after studying the Army Corps of Engineers' draft environmental impact statement on the proposed Dickey-Lincoln hydroelectric project, I could not support construction of the project, which would be located in my congressional district in northern Maine.

At the time, I stated that I believe that the enivronmental, economic, and social costs of Dickey-Lincoln are simply too severe to justify its construction. In the weeks since then, however, a number of people in Maine have expressed their concern that those of us who oppose the project can offer no alternative solutions to the very real energy problems of our State.

Mr. Speaker, I believe that there are clear alternatives to massive hydroelectric projects, such as Dickey-Lincoln. One is to rechannel the millions of dollars that are proposed for Dickey-Lincoln into the development of wood, solar, and windpower—energy sources with far greater long term potential to Maine and the Nation than any single peaking-power facility. A second alternative would be to devote our full resources to a conservation program emphasizing insulation of homes and businesses—the saving of energy rather than the generation of more power to waste.

An article entitled "In Lieu of Dams" appears in the fall 1977 edition of Water Spectrum, a publication of the Army Corps of Engineers. This article, which was written by Dr. Brent Blackwelder, makes a strong case for alternatives to dam construction. In discussing hydroelectric projects, Dr. Blackwelder specifically cites the Dickey-Lincoln example. He points out that—

> If instead of building Dickey-Lincoln Dam in northern Maine the money were put into insulating attics we would realize the equivalent of 43 times the output of the project.

This is an extremely important issue not just for Maine, but for the entire Nation and its future energy policy. I urge every Member of Congress to take the time to read Dr. Blackwelder's excellent analysis; it will be time well spent.

The article follows:

[From Water Spectrum, Fall 1977]

IN LIEU OF DAMS

(By Brent Blackwelder)

The best way to dispel the suspicion that conservationists want to return the country to the Stone Age by opposing water resource development projects is to consider some of the superb alternatives we have proposed to traditional dam building, canal digging and stream channelization. Water resource projects are designed primarily to achieve one or more of the following objectives: flood control, water supply, recreation, hydropower and navigation. Given the desirability of providing these objectives, if the environmental community wants the Army Corps of Engineers and other agencies to stop altering the rivers and streams of America through water resource construction, what do we have to offer instead?

The alternatives I wish to discuss are nonstructural solutions to flood problems; water pricing, water conservation and proper management for meeting water supply needs; development of scenic rivers or non-water based recreation instead of flat-water reservoir recreation; energy conservation measures taken prior to building more hydropower dams; and finally, refurbishing our country's railroads instead of constructing new barge canals.

FLOOD CONTROL

A wide range of nonstructural options is available to replace structural alterations of rivers and streams in achieving flood control. The term "nonstructural" means that these alternatives do not involve alterations of rivers through damming or channelizing.

The alternative of creating a greenbelt of park land along a stream is very attractive in some areas where stream channelization has been proposed for flood control. The basic idea is that many uses of flood plain lands are compatible with periodic flooding. Devoting a green strip of park land alongside both banks of a river, serves the objective of flood control without destroying the natural beauty of the rivers or its recreational potential.

The Corps of Engineers is currently applying two such green belt concepts at its Indian Bend Wash project in Arizona and along the South Platte River in Colorado, where the Corps has transferred funds intended for channelization to a green belt project. That the designing of such nonstructural projects can pose an engineering challenge is demonstrated by the fact that the Indian Bend Wash project received a distinguished engineering award from the American Society of Civil Engineers.

In Prairie du Chien, Wisconsin the Corps is using two other nonstructural techniques to achieve flood control. It is relocating some residents from an island in the flood plain and is also flood proofing other buildings in the vulnerable area. By combining flood proofing and partial evacuation of the flood plain, the Corps has produced a workable plan where the traditional approaches of changing the river were too costly.

The Charles River Natural Storage Area in Massachusetts offers an example of still another nonstructural flood control technique. Here the Corps of Engineers wants to preserve 17 upstream valleys in their natural condition to prevent an increase in flood damages downstream which could occur if these valleys and their associated wetlands were developed. In 1971 the Corps found that flood losses averaged $158,000 annually. If 40 percent of the upstream wetlands storage areas were developed, however, annual flood damages would jump to a staggering $957,000.

These four nonstructural flood control projects show that the Corps can and will carry out such plans. The problem is that nonstructural projects are the exception, not the rule, as far as flood control is concerned. Despite the provision of section 73 of the Water Resources Development Act of 1974 (it provided authority for Federal agencies to pursue nonstructural alternatives with cost-sharing provisions), progress in starting a large number of nonstructural projects has been very slow. This is especially regrettable since nonstructural projects do not have environmentally damaging impacts and, in the judgment of many, offer the best hope of achieving a reduction in the ever mounting annual flood damages billed to our country.

The trouble is that despite increasing expenditures on flood control structures, and despite the damages such structures have prevented, the country's annual flood damage bill continues to rise. Both the Task Force on Federal Flood Control Policy and the National Water Commission strongly support greater reliance on flood plain management techniques as the way to solve the Nation's flood problems.

Continued paving over of land in metropolitan areas leads to greater runoff and causes periodic flooding of streams. A wide range of tools is available to curtail some of this destructive runoff from suburban shopping centers and parking lots. On-site detention ponds should be required for large-scale developments. Gravel dry wells or recharge pits and porous surfacing material can help solve runoff problems. Controlling erosion by planting ground cover in new housing developments and shopping centers can also curb runoff and prevent siltation and the resultant loss of channel capacity in urban creeks and streams.

One important feature of nonstructural alternatives like flood plain evacuation and flood proofing is that they remove the burden of flood control from individuals not responsible for the problem—those inhabiting the upstream area. A disadvantage of reservoirs from the standpoint of social equity is that farmers and rural residents who are not the cause of the flood problem are forced to give up their land, some of which has been in the same family for generations, for a dam to protect people who have built downstream in the flood plain.

RECREATION

Most conservationists generally feel that enough reservoirs have been built to last far into the next century. In fact, the Corps should not, we argue, continue to cite recreation benefits to justify reservoir projects because demand for other forms of recreation, including non-water activities, is growing much faster than flat-water recreation demands. Second, building lakes in the rural countryside neglects the pressing recreation needs of the inner city where there is an insufficient number of facilities for regular use on a daily basis. Third, reservoirs eliminate some truly unique areas which provide unsurpassed recreational opportunities.

The Meramec Park Dam in Missouri is a good example of a project which will eliminate more recreational opportunities than it provides.

Conservationists discovered that about half of the claimed recreation benefits were com-