

By Mr. HAMMERSCHMIDT (for himself, Mr. SEBELIUS, Mr. LENT, and Mrs. HOLT):

H. Con. Res. 107. Concurrent resolution expressing the sense of the Congress in opposition to the grant of blanket amnesty or pardon for Vietnam-related draft or military absence offenses; to the Committee on the Judiciary.

By Mr. BEDELL:

H. Res. 250. Resolution to disapprove the increase in salary proposed by the President for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. CARR:

H. Res. 251. Resolution to amend the Rules of the House of Representatives to require committee approval of certain travel proposals, and for other purposes; to the Committee on Rules.

By Mr. FLYNT (for himself and Mr. SPENCE):

H. Res. 252. Resolution to authorize and direct the Committee on Standards of Official Conduct to determine whether Members of the House, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or representative thereof; to the Committee on Rules.

By Mr. GRASSLEY (for himself, Mr. CRANE, Mr. LLOYD of California, Mr. CAPUTO, Mr. SPENCE, Mrs. HECKLER, Mr. QUAYLE, and Mr. DRINAN):

H. Res. 253. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mrs. HOLT:

H. Res. 254. Resolution to disapprove the increase in salary for Members of Congress recommended by the President; to the Committee on Post Office and Civil Service.

By Mr. KASTEN:

H. Res. 255. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mr. NIX (for himself and Mr. DERWINSKI):

H. Res. 256. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Post Office and Civil Service; to the Committee on House Administration.

By Mr. PANETTA (for himself, Mr. EMERY, Ms. FENWICK, Mr. MOFFETT, Mr. MILLER of California, Mr. EDWARDS of California, Mr. KOSTMAYER, Mr. COHEN, Mr. PEASE, Mr. STARK, Ms. SCHROEDER, and Mr. HARRIS):

H. Res. 257. Resolution to amend House Rule XLIII to prohibit Members from using funds other than those specifically appropriated by Congress for the purpose of fulfilling their activities as Federal officeholders; to the Committee on Standards of Official Conduct.

By Mr. QUAYLE:

H. Res. 258. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (for herself and Mr. FREY):

H. Res. 259. Resolution to disapprove the increase in pay proposed by the President for Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. SPENCE:

H. Res. 260. Resolution disapproving the recommendations of the President with respect to the rates of pay of Federal officials transmitted to the Congress for the fiscal year ending September 30, 1978; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON (for himself, and Mr. DICKINSON):

H. Res. 261. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on House Administration; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

9. By the SPEAKER: Memorial of the Legislature of the State of South Carolina, relative to regulation of the insurance industry; to the Committee on Interstate and Foreign Commerce.

10. Also, memorial of the Legislature of the State of Indiana, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 3213. A bill for the relief of Dr. Alejandro Adajar; to the Committee on the Judiciary.

By Mr. BONIOR:

H.R. 3214. A bill for the relief of Brenda Marie Riley; to the Committee on the Judiciary.

By Mr. DIGGS:

H.R. 3215. A bill for the relief of Olive M. V. T. Davies and her children; to the Committee on the Judiciary.

By Mr. GIAIMO:

H.R. 3216. A bill for the relief of Roger W. Boyd, Jr.; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 3217. A bill for the relief of Meeja Sa Foster; to the Committee on the Judiciary.

By Mr. McDADE:

H.R. 3218. A bill for the relief of Chin-Ah-Park and Chin-Suk-Park; to the Committee on the Judiciary.

H.R. 3219. A bill for the relief of Rosalinda Flores Vaow; to the Committee on the Judiciary.

H.R. 3220. A bill for the relief of Arthur and Hedy Dentz; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 3220. A bill for the relief of Arthur and Hedy Dentz; to the Committee on the Judiciary.

PETITIONS, ETC.

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

39. By the SPEAKER: Petition of the board of trustees, Bishop Union Elementary School District, Bishop, Calif., relative to adequate funding for federally mandated programs; to the Committee on Education and Labor.

40. Also petition of Jo Hindman, Powell Butte, Oreg., and others, relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

41. Also, petition of Carlos Romero-Barceló, Governor of the Commonwealth of Puerto Rico, relative to extending the right to vote for President and Vice President to all United States citizens; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CARTER-MONDALE RELATIONSHIP

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES
Monday, February 7, 1977

Mr. HARRY F. BYRD, JR. Mr. President, I have never been able to understand the total lack of compatibility between the President of the United States and the Vice President, which too frequently has been the case in the past. If neither is seeking to sabotage the other, and if each is supportive of the other, it seems to me they should get along quite well.

Such seems to be the case with President Carter and Vice President MONDALE. Each has his own role to play, and each can be helpful to the other.

David S. Broder, the newspaper columnist, had an excellent piece in the Washington Post of February 6, dealing with the Carter-Mondale relationship.

I ask unanimous consent that the Broder article be printed in Extensions of Remarks.

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

CARTER-MONDALE RELATIONSHIP

(By David S. Broder)

A half-hour after he got back to his hotel suite in Tokyo from a banquet tendered by Japanese Prime Minister Takeo Fukuda, Vice President Walter F. Mondale was having a nightcap with some of the reporters who accompanied him on his round-the-world trip.

He had changed to blue jeans, sneakers and a flannel shirt, and he was talking about what he'd like to do to unwind from the taxing 1-day journey.

"I'd like to get home (to Minnesota) and do some ice-fishing," Mondale said, "if Jimmy lets me."

The last four words were uttered without emphasis or irony in Mondale's normal flat, slightly nasal voice. But they say a lot about why this Vice President so far seems to be avoiding the fate of his predecessors and building a significant role for himself in the Carter administration.

They capsulized the attitude of unawed deference that Mondale has developed toward Carter. "If Jimmy lets me" suggests both intimacy and dependency, and it says that Mondale is comfortable with both aspects of the relationship.

It is hard to imagine another Vice President of modern times being quite so relaxed in his attitude toward his President. Try to think of Richard Nixon saying that about "Ike" or Lyndon Johnson about "Jack," and you can see how ludicrous it sounds.

The experience of those two men, and a good many other Vice Presidents, argues against the likelihood of Mondale's chances

of building a long-term role for himself as Carter's "chief adviser and chief helper across the board," to quote the phrase Hamilton Jordan used last week in describing him.

But the very fact that Jordan, the defacto White House chief of staff, would use that phrase suggests that a revolution may be in store.

Mondale has made a study of the past problems of Vice Presidents and, as he told reporters during this trip, the conclusions were "very grim." He talked to his predecessor, Nelson Rockefeller, and he talked to his mentor, Hubert Humphrey, and he knew in advance "how wide" the gulf can be down West Executive Avenue, which separates the Oval Office from the Vice President's formal office in the Executive Office Building.

He concluded from their experiences that a Vice President who sought responsibility for a specific area of government policy would confront one of two hazards, or maybe both: a brutal battle with the officials and bureaucrats of the department whose "turf" he was invading and/or a 20-hour-a-day involvement in chores the President considered too "trivial" for his attention.

The way to avoid that fate, Mondale decided, was to be a generalist, "staying in the loop" of policy-making and communications into and out of the Oval Office, and serving as a "general policy adviser" to the President.

Remarkably, that appears to be exactly what he is doing. It is Carter, of course, who deserves most of the credit for creating this useful role for an office regarded as redundant by some scholars of the American system.

It was Carter who decided that Mondale should have his principal offices in the White House itself; Carter who ordered that the Vice President receive exactly the same briefings as he does; Carter who made it clear to the members of the White House staff that he wanted Mondale involved in, not excluded from, the decision-making.

Whether this idyllic arrangement can survive the inevitable first crisis for the Carter administration, or a serious policy dispute between Carter and Mondale, is something no one—including Mondale—can be sure.

When asked if he thinks he may fall victim to staff intrigues or presidential jealousy—the twin banes of past Vice Presidents—Mondale says: "I don't think so. We've talked about that. Carter is a different type of person. I don't think that's going to happen."

The relationship has survived the rigors of the campaign and the transition, and apparently has been strengthened by them. The kidding back and forth between Carter and Mondale is easier now than it was six months ago, the friendship deeper, and the communication more open.

Considering the history, one still has to keep fingers crossed. But there's reason to hope that this time, for once, a Vice President is being given a chance to exercise his abilities—and considerable abilities they are—on behalf of his government and his country.

DAVID E. FINLEY DIES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it was with great sadness that I learned of the death of David E. Finley, the creator and first director of the National Gallery of Art.

Not only did I respect Mr. Finley for his life long dedication to the arts and the preservation of art, but Mr. Finley was a close friend of my late father, William S. Moorhead, and a man whom I counted as a friend.

Finley was a brilliant man, a World War I veteran who served as special assistant to Treasury Secretary Andrew Mellon, from 1927 to 1932.

It was Mellon's great love for art and his desire to create a museum in Washington that spurred David Finley. Finley worked with Mr. Mellon to help the latter acquire many of his great art works. Mellon then became the major source of financial support for development of the Washington's National Gallery of Art.

I would like to include in the RECORD at this time an article from the Washington Post discussing David Finley's very productive life and his passing:

[From the Washington Post, Feb. 2, 1977]

DAVID FINLEY, 1ST DIRECTOR OF NATIONAL GALLERY, DIES

(By Jean R. Halley)

David Edward Finley, 86, the creator of the National Gallery of Art and its first director, died Tuesday at his home in Washington.

A small, quiet man with a forceful capacity to accomplish large projects, he had been a major figure in Washington's artistic and cultural life for many years.

The funds to endow and build what often has been referred to as the Mellon Gallery and to purchase many of the works of art shown there came, of course, from the late Andrew W. Mellon.

But the actual design of what has become a world-famous institution and the building of its collections into a treasure house of art were the accomplishment of Mr. Finley.

He served as director of the National Gallery of Art from 1938 until retiring in 1956.

His contributions in art and culture to both the nation's capital and the nation were not limited, however, to the gallery.

From 1950 to 1963, Mr. Finley was chairman of the Fine Arts Commission, a small but scrappy band of crusaders bent on protecting the beauty of Washington.

From 1950 to 1962, he was chairman of the National Trust for Historic Preservation. He also had served as chairman of the White House Historical Association.

He had been a member of the National Portrait Gallery Commission and the National Collection of Fine Arts Commission of the Smithsonian Institution.

Mr. Finley had not started intent on a career in the art world. He originally had aimed for a career in law.

Born in York, S.C., he came to Washington at the age of 8 when his father, also named David Edward, was elected a member of Congress.

Young David Finley went to school here and in South Carolina, and in 1910 graduated from the University of South Carolina. Three years later, he had earned a law degree from George Washington University. He practiced law briefly in Philadelphia then served as a second lieutenant in the Army Signal Corps in World War I.

After the war, he opened a law office here, specializing in income taxes, but found it a "terrible bore." So he gave it up and started working for the federal government, first as an assistant counsel at the War Finance Corporation and then with the war loan staff at the Treasury Department.

His friendship with Mr. Mellon began when the latter became Secretary of the Treasury. Mr. Finley served as his special assistant from 1927 to 1932.

He was sent to London in 1931 as an adviser to the American delegation to the London Financial Conference. A year later, when Mr. Mellon was named ambassador to Britain, Mr. Finley returned with him to London as honorary counselor at the American Embassy there.

It was during these years that Mr. Mellon had first begun to talk to Mr. Finley about the need for a great national art gallery in Washington. Mr. Finley began to assist Mr. Mellon in acquiring masterpieces, which later were given to the gallery.

When Mr. Mellon left government service in 1933, Mr. Finley again opened law offices in Washington. His principal client was Mr. Mellon.

The plans for a gallery and the acquisition of masterpieces continued. Mr. Mellon then offered his art collection and money for the gallery to the government and it was accepted in 1937.

But Mr. Mellon died that year before he could see his dream carried out. It was up to Mr. Finley to carry it out for him, and he did.

As its first director, Mr. Finley oversaw construction of the enormous marble structure. He planned the backgrounds for the different collections, which he built up. In addition to the Mellon collection, Mr. Finley essentially was responsible for acquiring three other famous art collections, the Kress, Widener and Dale collections.

A gardener by avocation, he insisted on the inclusion of garden courts in the gallery. He also introduced Sunday afternoon concerts, internationally famous lecture series, study collections and a library.

His work was hailed internationally. Art scholars and historians came from all parts of the world to study the collections.

Always a modest man with beautiful manners, although he could be ruthless about getting what he wanted for the gallery, Mr. Finley in later years wrote a book, "A Standard of Excellence," in praise of Mr. Mellon and his gift of the gallery.

"It should never be forgotten that it was Mr. Mellon's patriotism, his intelligence and his generosity that brought the National Gallery of Art into being, and that his gifts of works of art, together with those of other donors, have made the National Gallery one of the great art museums of the world," Mr. Finley wrote in the foreword of his book.

After recounting the story of Mr. Mellon and his contribution, Mr. Finley ended with a chapter on his own views on the role of the art museum.

Noting that the days were past when museums were considered the domain of the "elite," he wrote that they should do two things:

"... First to set up and maintain a standard of quality by collecting, preserving and exhibiting to the best advantage the finest works of art obtainable in their chosen fields; and second, to make those works of art known and enjoyed by the people of this country and, indeed, by people everywhere to whom, in the larger sense, these and all works of art belong."

Paul Mellon, trustee of the National Gallery, said yesterday:

"In David Finley's death, both the National Gallery of Art and my own family have lost a wonderful human being and a warm friend. He was my father's most trusted adviser for many years...."

"As director of the National Gallery of Art from its inception until 1956, his contribution was invaluable. His tact, integrity, gentle persuasion and friendliness brought the gallery great paintings...."

J. Carter Brown, present director of the Gallery, called Mr. Finley a "remarkable contributor to the cultural life of this city and the nation by virtue of all the things he got rolling. He was the formative influence in

the creation of the National Gallery and in persuading various collectors to give collections and in designing the building and the organizational structure of the institution."

When Mr. Finley retired as chairman of the Fine Arts Commission, President Kennedy accepted the resignation "with regret" and wrote:

"You and your colleagues have left Washington a more beautiful city and our community and nation stand deeply in your debt."

Mr. Finley had held many additional positions in the field of art. He was president of the American Association of Museums during 1945-49, and vice president of the International Council of Museums during 1946-49.

Mr. Finley was vice chairman of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas for 1943-46.

He was a member of the Washington National Monument Society and the Committee of the People-to-People Program during 1956-60. He was a trustee emeritus of the Corcoran Gallery of Art, an honorary fellow of the National Sculpture Society and a member of the Association of Art Museum Directors.

Mr. Finley also belonged to Phi Beta Kappa and the Metropolitan, Alibi and Chevy Chase clubs.

He is survived by his wife, Margaret Eustis Finley, of the home; two daughters, Renee Beauregard, of Leesburg, and Mrs. Richard P. Williams, of Washington; two brothers, States Rights Gist Finley, of Chattanooga, Tenn., and John Campbell Finley, of Seattle, Wash.; two sisters, Mrs. J. Dexter Brown, of Anderson, S.C., and Mrs. Robert Lee Collins, of Greensboro, N.C., and three grandchildren.

Services will be held at 11 a.m. Friday at St. John's Episcopal Church at Lafayette Square.

The family suggests that expressions of sympathy may be sent to St. John's Church Memorial Fund.

REINING JUDICIAL REIGN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES
Monday, February 7, 1977

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial from the Lynchburg, Va., Daily Advance of January 31, 1977, captioned "Reining Judicial Reign." The editorial page editor of the Advance is William K. Diehl.

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

[From the Lynchburg (Va.) Daily Advance, Jan. 31, 1977]

REINING JUDICIAL REIGN

The system of checks and balances among the three branches of government, executive, legislative and judicial, seems to us to have been tilted out of balance in recent years. This has been especially true on the federal level, where federal judges exercise awesome power and render decisions that have the effect of usurping the powers of both the executive and legislative branches.

Federal courts, indeed, have handed down verdicts that in themselves created laws and virtually ordered their execution by elected officials.

There has been little recourse, since the federal judges are appointed for life and are

not answerable either to the electorate or any higher authority.

Indeed, we think it fair to say there have been judicial abuses for which there was no recourse other than blatant defiance of court orders.

It would seem that sooner or later some restraints would have to be placed on the judiciary and to bring the system of checks and balances back into balance.

Thus, we note the introduction today of a constitutional amendment by Virginia's Independent U.S. Senator Harry F. Byrd Jr. that would require that federal judges be subject to reconfirmation by the Senate every eight years.

Byrd explains, "My amendment provides that Federal judges serve in office for a term of 8 years, at the end of which term they would be automatically nominated for reconfirmation by the Senate, unless they requested otherwise. If reconfirmed by the Senate, the judges would serve for an additional 8 years, after which they would again be subject to confirmation."

Sen. Byrd figures this is a reasonable method of achieving accountability of judges without destroying their basic independence. He also doesn't regard his amendment as revolutionary, since 49 states now have fixed terms for their own judiciary. Only Rhode Island has life tenure.

We think the senator asks a significant question: "Why should any public official in a democracy have lifetime tenure?" Kings, queens, dictators and U.S. federal judges come to mind as the only persons who enjoy such a "guarantee."

Sen. Byrd is concerned that critics will charge the amendment will weaken judicial independence, but he insists "to insulate a judge—or any other public official—from all accountability for his actions is to invite arbitrary action contrary to the will and welfare of the people of the United States. Life tenure, devoid of restraint and accountability, is not consistent with democratic government. It is time we abolished it."

We anticipate a rocky road for this amendment and can see many years between this introduction and, even assuming passage, ratification by the states.

However, we think there is merit in what Sen. Byrd has brought before the Senate and the nation.

THE 50TH ANNIVERSARY OF LONG BEACH CITY COLLEGE

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, February 7, 1977

Mr. HANNAFORD. Mr. Speaker, March 1977 marks the 50th anniversary month of one of the largest educational institutions in our Nation, Long Beach City College.

This outstanding place of higher learning currently serves over 32,000 southern California students, the largest community college in the Nation. On the occasion of its golden anniversary, I would like to publicly commend the administration, faculty, staff, and student body of Long Beach City College for their many and varied achievements and to wish those involved with this community asset every success in their present and future endeavors.

I know Long Beach City College to be a friendly place which emphasizes a close instructor-student relationship. Perhaps

for this reason, graduates of City College tend to fare better at 4-year colleges than the average of those who enter full-term colleges and universities as freshmen. Students who wish to receive degrees from any of the 4-year institutions in the United States can complete their first 2 years at Long Beach City College with full knowledge that they have received the very best education available and with a considerable financial savings, since the college does not charge tuition for area residents.

Long Beach City College can be justifiably proud of its ongoing role in community development and educational enrichment. Interestingly enough, over half of the student body is 26 years of age or older, and most regular students return to the college following their commencement—many in the evening—to polish their professional skills or to broaden their cultural awareness. In fact, over 50 graduates have returned not to learn but to serve as members of the full-time faculty of 340. Mr. Speaker, I am told by the superintendent/president of Long Beach City College, Dr. Frank C. Pearce, that four alumni are on the administrative staff of the college, and five more currently serve as department heads. This kind of continuity is good for City College and the community and demonstrates a good relationship between the college and its students.

Long Beach City College offers a wide range of liberal arts, scientific, vocational/technical, and enrichment programs. Besides training in the more traditional trades, students have available to them courses in data processing, police and fire science, radiologic technology and other high job-demand fields. With today's uncertain economy, the specialized areas of study at City College provide some assurance of employment for graduates.

Mr. Speaker, I am sure that all of us will want to express our best wishes for the success of the Pacific coast campus revitalization plan. Many of the fine programs of Long Beach City College have been housed in outdated buildings meant for junior high school students. This situation will change drastically over the next 10 years as the students of City College begin seeing their new, attractive and functional Pacific coast campus.

But a college is more than buildings. It is a community of scholars and ideas as well. The city of Long Beach and surrounding communities have every reason to be proud of their own community of scholars and ideas, Long Beach City College. It is my hope that the next half century of City College is as productive and rewarding as the first.

IN HONOR OF JOHN ANTHONY IDOL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Monday, February 7, 1977

Mr. WOLFF. Mr. Speaker, when those who are close to us pass on, we are al-

ways beset by grief and sorrow. And when that person is also a vital member of our community, the loss is felt even more acutely. The man whom I extol here is John Anthony Idol, who died on Wednesday, January 5, after collapsing at his home in Great Neck. He was 71 years old.

Mr. Idol served as chief of the Manhasset-Lakeville Fire Department from 1968 to 1970, and played an active role in saving the lives of many of our community's citizens.

Born in Poland, Mr. Idol came to this country as a young boy, and during the 1920's and 1930's, he served as a golf pro at several Long Island North Shore clubs. He later served as petty officer in charge of the fire department at the U.S. Merchant Marine Academy in Kings Point, a post he left after the war to join the Vigilant Fire Department. In 1975, the Vigilant named him an honorary chief.

Mr. Idol leaves behind his widow, the former Josephine Jablonski, and two daughters, Helen and Constance. He is also survived by seven grandchildren, two great grandchildren, and a sister, Stephanie Pitcavage.

As a loving husband, devoted brother, father, and grandfather, and dedicated member of our community, John Anthony Idol will be missed by us all.

THE ELDERLY AS VICTIMS OF CRIME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. RANGEL. Mr. Speaker, the senior citizens of our communities have become so threatened by crime that they are becoming prisoners in their own homes. Much is said about it but not nearly enough is done about it, largely because no consensus has emerged regarding what measures would be most appropriate and effective.

I believe that the comments of the distinguished Manhattan Borough President, the Honorable Percy Sutton, on this issue on last December 1 will help develop a badly needed consensus. I commend Borough President Sutton both for his courage and his insight. His views were expressed in a reply to a WCBS radio editorial on the subject, as follows:

THE ELDERLY AS VICTIMS

(By Percy Sutton)

Crime is one of the greatest domestic concerns of our nation. But no groups of citizens are so devastatingly affected by crime as are our senior citizens. In recent editorials, WCBS has called for greater police protection for New York's senior citizens. I am in agreement.

The physical and psychological trauma of crime is a severe blow to the elderly. The psychological threat and after-shock of crime has caused many of our senior citizens to be prisoners in their own homes. After contributing to our society for more than six or seven decades as mothers, fathers, sisters, brothers, friends and good human beings, our senior citizens have a right to ex-

pect security in their golden years. They deserve a life that is free from the fear of being mugged, robbed or assaulted when they leave their homes. So I want to suggest several measures which might reduce the impact of crime against our elderly:

1. We ought to increase and intensify those programs which instruct the elderly how to guard against crime.

2. I think we ought to record the age of crime victims as statistics so that the police might appropriately discover and act upon patterns of crime wherever they occur against the elderly, in all of our neighborhoods in this city.

3. Police officers, social workers and others should be sensitized in how to deal with the psychological needs of elderly victims of crime. Much as they are sensitized to deal with rape victims. And finally, stricter legal penalties should be enacted so that young people who commit crimes should not believe that they will go free, but should understand that they will be punished for those crimes, not as innocent children but as young people who have committed crimes.

ALCOHOL ADVERTISING AND YOUNG ADULTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BROWN of California. Mr. Speaker, on January 4, 1977, I introduced legislation, joined by 24 of my colleagues, to amend section 162 of the Internal Revenue Code of 1954 to disallow alcoholic beverage advertising as a business tax deduction. At that time I addressed my remarks to the general problem of alcoholism, alcohol advertising, and the Federal Government's role in providing an incentive, through the tax structure, for that advertising. Today I would like to examine the relationship between alcohol advertising and the problem of alcohol consumption by this Nation's young adult population.

Young adults, from 18 to 34 years old, are viewed by most advertisers as a key market. This age group currently numbers around 60 million people, and with current emphasis on youthful appearance and lifestyles, their influence on setting sales trends is very great. It is no wonder that vigorous efforts are being made by advertisers to capture this vital section of the population.

The alcohol industry is no exception to this youth advertising emphasis. I recently obtained two marketing handbooks from the alcoholic beverage industry, that outlined in great detail the industry's need to target alcohol advertising to the youth market to reinforce this group's use of alcohol. They stated the need to follow up the high sales levels of "pop" wines with advertising to extend this sales base to other forms of alcoholic beverages and outlined several methods that would help accomplish this goal. While I had originally intended to quote directly from these sources, the publisher was reluctant to allow the use of his material for fear of its being misunderstood by people other than marketing professionals in the alcohol bev-

erage industry. I had no trouble understanding the material and was very upset by its implications.

These books mentioned an advertising method using certain themes or occasions to promote alcohol sales. Using this approach, the advertisement focuses on certain occasions, celebrations, birthdays, holidays, parties, successes, et cetera, and portrays these events as being heightened in their enjoyment by the use of alcohol. The obvious goal is to create a psychological link between these positive feelings and the use of alcohol. The young adult is targeted due to an anticipated change in this group's alcohol consumption habits. The theory is that as the young adult gets married, settles down, and does more entertaining, alcohol choices will move from "pop" wines to more traditional drinks. The industry must be ready to capitalize on this shift using the theme or occasion approach, showing successful young adults drinking brand X at a party, during the holidays, and so on.

This is not to say that the "pop" alcohol drinker is left out, however. The books mention the efficacy of using a mixed-drink approach, whereby the alcoholic beverage is presented in advertisement along with a recipe for using the alcohol in a way so as to make it taste better, using fruit juices and soft drink mixers. The ultimate is the pre-mixed, 30 proof line of milkshake-like drinks being marketed with a "portable party" slogan. Thus, the inexperienced drinker is spared the harsh taste of straight alcohol.

In a section of one of the books, the importance of the black youth in promoting sales was examined. After noting that blacks were the highest per capita consumers of distilled alcohol, the book went on to relate the successes that had been achieved in the past in marketing rum and vodka to the 18- to 34-year-old black. As Senator HATHAWAY noted in his excellent hearings last year—"Media Images of Alcohol", March 8 and 11, 1976—the urban black customer is described in these books as the "thirsty customer" who "spends 25 percent more on alcoholic beverages than whites." In short, an excellent target for advertising efforts tailored to continue these high alcohol consumption rates.

The stated purpose of much of this advertising is to increase the frequency of alcohol use by encouraging the regular consumption of alcohol until the purchase of alcoholic beverages becomes a part of the household budgeting process. The books bemoaned the fact that the United States ranked behind many countries in rates of alcohol consumption but saw ways to "correct" this situation using the subtle persuasion of advertising.

The handbooks viewed beverages such as coffee, tea, and soft drinks as being in direct competition with alcohol for a share of the sales market. After detailing the poor showing that alcoholic beverages were having in relation to these commonly consumed nonalcoholic beverages, the books encouraged advertising designed to cut into this market. The infighting between brands for sales should

be eliminated in favor of advertisements directed at the nonalcoholic competition, according to the recommendations.

These suggested methods are currently being used in alcohol advertisements as anyone knows who reads papers and magazines or watches television. Sports heroes advocate using a certain brand of beer "when you're having more than one." Happy, youthful groups of people are often seen frolicking on beaches drinking a brand of beer or wine. Holiday "cheer" becomes synonymous with alcoholic beverage consumption. One recent print advertisement shows the Capitol Building in the midst of the inaugural celebration crowds and has the caption "In America, Anyone Can Grow Up To Deserve Johnnie Walker Black Label." Time and again, these ads forge psychological links between alcoholic beverage use and good times, holidays, success, and even the American system of values.

The purpose of this advertising, as with any advertising, is to increase sales and consumption of a product and the use of these common marketing practices is not unique to the alcoholic beverage industry. What is unique about this industry is that the product being promoted is responsible for social disruptions that cost this country between \$15 and \$25 billion a year. And, as with all advertising expenses, the U.S. taxpayer foots the bill for much of the cost of the advertising of alcoholic beverages through advertising tax deductions.

In 1974, the alcoholic beverage industry spent approximately \$310 million on advertising, much of which was directed at young adults. The 1976 figures, which are not presently available, can be assumed to be higher judging from past trends. The Federal Government, according to the most recent estimates, spent \$313 million to combat and treat alcoholism and alcohol abuse during 1976. I find little rationality in this situation, given that the industry recovers much of their advertising outlay from the Federal Government in the form of tax deductions. Is it rational to spend money advocating moderation in alcohol consumption during holidays while the industry uses its occasions approach to increase alcohol use at these times? Is it rational to spend money to teach our youth that drinking alcohol is not a sign of being "with it" while sports figures in alcohol ads indicate the opposite? Is it rational to engage in public education advocating the substitution of tea, coffee, and soft drinks for alcoholic beverages while the industry tailors its advertisements to try to make inroads on these "competing" beverages?

I would like to emphasize that this legislation would not ban alcohol advertising, it simply removes the Federal Government from the position of providing an incentive for it. There is no constitutional question involved here since numerous court rulings have affirmed that deductions are a matter left by the Constitution to be decided by the Congress. I would direct the attention of my colleagues, especially those on Ways and Means, to the obvious conflict that presently exists in the Federal Gov-

ernment's policies with regard to alcohol and invite you to join me as cosponsors on my bill to effect a modest solution to this problem. It is time to question the practice of routinely providing tax incentives for every type of business activity without evaluating that business' impact upon the human environment.

NATURAL GAS SHORTAGE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KETCHUM. Mr. Speaker, at this time I would like to share with my colleagues an article which appeared in my hometown newspaper, the Bakersfield Californian, last Thursday. It concerns a study completed by the prestigious Massachusetts Institute of Technology regarding the natural gas shortage. In short, it says that even if restrictive price controls were abolished today, and permanently, we would still have an inadequate supply of gas 5 years hence. As one who has been trying to drive home this simple philosophy for over 4 years, I am most pleased to learn that, at last, the light is being seen.

The article follows:

[From the Bakersfield Californian, Feb. 3, 1977]

COMPUTER: GAS LAG TO LAST 5 YEARS

CAMBRIDGE, MASS.—Even if natural gas prices increase substantially, it probably will be five years before the national shortage is eliminated, according to an MIT computer projection.

The situation will gradually worsen if the prices stay at the level they are, the analysis shows.

"I don't want to be pessimistic, but I don't think there is an immediate solution," said Kevin Lloyd, an economist at Massachusetts Institute of Technology's Energy lab.

Lloyd is in charge of a computer programmed to reflect the way the nation produces and burns natural gas.

The higher prices, he said, are needed to make it worthwhile for petroleum speculators to search out and develop new sources of gas.

Even if this winter's weather had not been unusually cold, the gas utilities would have failed to fill 15 per cent of their customers' demand, Lloyd said.

The situation is worse when potential customers unable to get hooked into the utilities' networks are counted, Lloyd said. This year's projected shortage is 25-30 percent.

Up to 1.5 million people have been forced out of work this winter to conserve fuel, mostly natural gas.

The price of gas shipped across state lines is fixed by the Federal Power Commission at \$1.44 per 1,000 cubic feet—which one Massachusetts utility said would provide heat and cooking gas for the average home in the Northeast for two days.

Some industry officials have said they would like to see that price increase to at least \$2.

Lloyd said that if the price rose immediately to \$2, there would be a 5 per cent increase nationally in gas production during 1977.

By 1980, the shortage would be reduced to 5-10 per cent, he said. His projection takes

into account the people who want gas but are refused service because of the shortage. If only current customers were served, the shortage would be over.

If the price stayed at \$2, the demand of both new and old customers would be filled by 1982.

"Under price regulation, the situation does not project to get better, Lloyd said. "It gradually worsens through 1980."

By then, he said, the national shortage will be 25 per cent for current customers and 40 per cent for everyone who wants gas.

"It's just going to take time," Lloyd said. "There is very little that will happen to supplies in two or three years. It takes several years after a gas field is explored before production can be marketed."

Lloyd has been working on the computer projections for almost four years. The project, financed by the National Science Foundation, has been used by federal agencies to predict gas supplies and demand.

LEHMAN'S TRIP TERMED SUCCESSFUL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. PEPPER. Mr. Speaker, I would like to insert in the RECORD a letter which recently appeared in the North Dade Journal regarding an overseas trip taken by my colleague from the neighboring 13th District of Florida, BILL LEHMAN.

It tells of the kind of constructive trip which a Representative can undertake to better serve his constituents.

The letter follows:

[From the North Dade Journal, Jan. 29, 1977]

LEHMAN'S TRIP TERMED USEFUL

(By Marty Berg)

U.S. Rep. William Lehman's nationally televised condemnation of European junkets by lame duck Cabinet members, congressmen and senators, at taxpayers' expense, deserves notice. Few who live off the public have the courage to chastise members of the club. Ethics evidently has meaning to Lehman.

In reporting on his European trip, Lehman cited chapter and verse of what he learned to aid in his legislation consideration on behalf of his constituents, and arrived at several conclusions.

He listened to Egypt's Anwar Sadat plead for U.S. aid for his ailing nation, and his claim that the U.S. owes it to him, since he gave the Russians the peace. Notwithstanding, Lehman believes, "I cannot in good conscience favor U.S. arms sales to any Arab state, because any action that threatens the security of Israel is a definite detriment to peace."

Strengthened by his own extensive education, and the years he served as Dade County School Board member, his interest in education carries over as a member of the Education and Labor Committee. On the trip, he visited a special school in Germany where severely retarded adults work and make substantial contributions to the economy and their own well-being. He feels, "If we could send out state Health and Rehabilitative Service people over to see this school, it could be of more help to the mentally handicapped in Florida than any other measure I can think of."

On the touchy subject of foreign aid generally, Lehman suggests that "what we need to do is get the aid into the villages and towns outside the main metropolitan areas,

and get our foreign aid to the people out of the big cities."

Obviously, Lehman's trip, taken when he could as easily have spent the time with his family, was a valuable learning process, for him and us.

LAME DUCK MEMBERS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. SCHROEDER. Mr. Speaker, during the 94th Congress I wrote up and introduced a bill, H.R. 1621, designed to prohibit junkets by lame duck Members. The bill died in committee.

Later in the Congress I proposed a similarly worded measure as an amendment to H.R. 14238, the fiscal year 1977 legislative branch appropriation bill. However, H.R. 14238 was sent to the floor under a modified closed rule that disallowed consideration of my amendment.

At the start of the 95th Congress I proposed a lame duck junket ban in the House Democratic caucus. However, the leadership referred the proposal to the Commission on Administrative Review for further study.

As a result, I asked the Internal Revenue Service to consider under what circumstances travel, in general, by any Member of Congress or executive branch employee or travel, in particular, by lame duck Members of Congress or lame duck executive branch employees would be treated as income to the person traveling at Government expense or would expenses connected with the travel not be deductible.

My exchange of correspondence with the IRS is set out below. Although it is clear that the IRS would rather not face up to the issue, Members should note that the IRS does suggest, if in ever so tentative a manner, that if the circumstances warrant it they may determine that a congressional junket is personal and, as such, be treated as taxable income.

The letters follow:

DECEMBER 13, 1976.

DONALD C. ALEXANDER,
Commissioner, Internal Revenue Service,
Constitution Avenue NW., Washington,
D.C.

DEAR MR. ALEXANDER: Three years ago I asked the IRS to consider whether enlisted aide services provided by the military to officers could be treated as taxable income where the aide is used for unauthorized, unofficial, personal services.

L. W. Utter, Chief, Individual Income Tax Branch, replied indeed such an officer may be in receipt of taxable income—the fair market value of the services rendered by the military servant.

I have a similar kettle of fish for you: foreign travel at government expense by a lame duck member of Congress or an executive branch appointee in the administration of a President defeated for election or re-election.

If a Member of Congress is not seeking re-election, or has been defeated for re-election, and Congress has adjourned at the close of its last session foreign travel by that member cannot, by definition, have any legislative purpose.

Actually, you ought to consider the case of any travel by any member of Congress or executive branch employee. Under what considerations would the IRS find that the travel or a portion thereof had no official basis and accrued to the personal benefit of the official?

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

INTERNAL REVENUE SERVICE,
Washington, D.C. January 10, 1977.

HON. PATRICIA SCHROEDER,
House of Representatives,
Washington, D.C.

DEAR MS. SCHROEDER: This is in reply to your letter of December 13, 1976, in which you inquire as to the treatment, for Federal income tax purposes, of travel expenses incurred by lame duck members of Congress, and executive branch appointees in the administration of a President defeated for election or re-election.

You feel that if a member of Congress is not seeking re-election, or has been defeated for re-election, and Congress has adjourned at the close of its last session, foreign travel by that member cannot by definition, have any legislative purpose. You note that such travel is at government expense, and you ask under what considerations would the IRS find that the travel or a portion thereof had no official basis and accrued to the personal benefit of the individual, thus be treated as income.

Section 61 of the Internal Revenue Code provides that gross income means all income from whatever source derived, including compensation for services.

Section 162(a) of the Code provides that there shall be allowed as a deduction in computing taxable income all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business. Among the items specifically referred to as constituting business expenses are traveling expenses, including amounts expended for meals and lodging, other than amounts which are lavish or extravagant under the circumstances, while away from home in the pursuit of a trade or business. On the other hand section 262 provides, however, with exceptions not here material, that no deduction shall be allowed for personal, living, or family expenses.

Only those expenses which are ordinary and necessary in the conduct of a taxpayer's trade or business and directly attributable to it may be deducted.

If a trip is primarily personal in nature, the traveling expenses to and from the destination are not deductible even though business is engaged in at such destination. However, expenses while at the destination which are properly allocable to the taxpayer's trade or business are deductible even though the traveling expenses to and from the destination are not deductible. If the trip is primarily for business purposes the traveling expenses to and from the destination are deductible. In neither case however, are the expenses which are personal in nature and incurred while at the destination deductible.

Section 1.162-2(b)(2) of the Income Tax Regulations provides that whether a trip is related primarily to the taxpayer's trade or business or is primarily personal in nature depends on the facts and circumstances in each case. The amount of time during the period of the trip which is spent on personal activity compared to the amount of time spent on activities directly relating to the taxpayer's trade or business is an important factor in determining whether the trip is primarily personal.

Where a lame duck member of Congress, or an executive appointee of an outgoing administration is authorized to travel and paid or reimbursed for such travel by the

proper authorizing official such travel would generally be considered to be business travel. However, there may be instances where such travel is primarily personal. Such a determination would have to be made on an individual case by case basis under the law and regulations set out above.

We appreciate your interest in this matter and hope the foregoing information is responsive to your inquiry.

Sincerely yours,

MARIO E. LOMBARDO,
Chief, Individual Income Tax Branch.

TANKS, AND THE FOOD IS GREAT

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. NICHOLS. Mr. Speaker, the Anniston Army Depot, located near Anniston, Ala., in Alabama's Third Congressional District is a shining example of how we can take what some would consider seeming useless equipment and turn it into efficient, powerful, and much needed fighting machines. The M48 tank conversion mission at the depot is one of the most important as well as one of the best organized operations in our depot system. For the reading of my colleagues I would like to submit to the RECORD of this legislative body the following article from Reserve entitled "Tanks, and the Food's Great":

TANKS, AND THE FOOD IS GREAT

Hardly anybody gets excited about Anniston Army Depot. Not even the local folks. It just doesn't work. Try talking about the 15,000 acres or the 42 miles of chain link fence or the 49 miles of internal rail lines or the 1,405 igloos and ammo sheds or the 43 warehouses or the 18 miles of barbed wire or the \$300,000 saved each year by eliminating redo work and the reaction is essentially, "Ho, hum! So what."

That's just numbers talk. Now if you want to come to Anniston, Alabama and talk numbers, you've got to play by the rules. You can talk about raw horsepower or Donnie and Bobbie Allison's track times or the price of pickup trucks or the kind of deal you can get on a new Charger and find a lot of listeners, but when it comes to talking about those tanks they rebuild out at the Depot behind the chain link fence, well nobody seems to think it's worth shooting the breeze about, even though the sheer horsepower of the machines being put together out there would shame the likes of Bobbie Unser and the low ton price on those tanks would wrinkle the double knit on a used car dealer.

WHAT GOES ON?

On just about any working day, something like 4,500 people drive through the gates at Anniston. Half of them are bound for a little old assembly line under a tin roof that covers the equivalent of five football fields.

These men and women—actually about 700 women who would never be called "good ol' girls" regardless of how the men refer to themselves—will blast apart, blow apart, cut apart, pry apart, sort, reshuffle and rebuild nearly 60 earth-shaking, 48-ton tanks a month. It's what's called heavy work.

Even though these men and women are saving US taxpayers hundreds of thousands of dollars a year by reclaiming some of the meanest, most twisted up, battered and rusted hulks imaginable, nobody seems to get excited.

THE MONEY SAVED

Tanks that saw service in Vietnam and sat for years learning how to rust while waiting for the scrap heap make it to Anniston. Tanks that were built for the Korean War, but never left the States, make it to Anniston. Tanks that were thought to have seen the last of the dusty trail make it to Anniston and, after an average of 56 days and 2,250 man hours of labor, they leave packing the same power and punch as a brand new battlefield dreadnought fresh off the assembly lines in Detroit.

It's all a matter of simple economy. The Army needs something like 13,844 battle tanks, but has only 40 percent of them. Brand new M60A1s coming off the assembly line at the rate of 100 a month cost more than \$500,000 apiece and just can't satisfy the Army's needs, not to mention the budget, so besides overhauling the M60 family, Anniston is producing an almost all new tank for the Army known as the M48A5.

NAMED AFTER GEORGE

The 48-ton M48s, popularly known as *Pattons*, started coming off the assembly line in 1952 and continued to be produced in three basic versions until 1965, six years after M60 tank production started. By that time, the world was populated with no less than 8,500 M-48 series *Pattons*. They found their way into the US Army and Marine Corps and, eventually, as M60s replaced M48s in the Army, the armies of Israel, Jordan, Turkey, Greece, Norway, Pakistan, South Korea, Vietnam and Thailand.

It was reported a few years ago that the Israelis had taken their M48s and replaced the tank's 90-mm guns with the more powerful British 105-mm guns used in the American M60s, German *Leopards* and British *Centurions* and *Vickers*. It sounded like a good idea, considering the Army's shortage and Anniston was in for more business.

So far the depot has taken 360 of the older, worn out M48A1s and A3s and converted them into brand-spanking new M48A5s with the same 105-mm firepower of the M60 series, and a new diesel engine giving the M48A5 a 500-mile operating radius. Still waiting for overhaul and upgrading are another 2,720, or what's left of that original batch of 8,500 built between 1952 and 1965.

ACTUAL COSTS

The cost of converting what was once considered only fit for the scrap pile into a highly efficient tank is a matter of simple arithmetic.

There were lots of older gas-powered M48A1s around, but they weren't of much use for either training or combat; the newer diesel-powered M48A3s were also scattered around the country, but it was felt that these weren't much of a match for modern Soviet armor. In fact, their combat value to the Army was about zero, and their scrap value wasn't too high either. But by running the old heaps through Anniston, with about \$65,000 worth of labor and \$178,000 worth of new engine, gun, radios, fire control and related equipment per tank, the Army could have a modern, stop-gap machine for less than half the cost of a new M60A1.

WHAT HAPPENS

Just about any of Anniston's civilian workers or any one of the Army Reservists who belong to the 375th Field Depot, the Army Reserve command supplying the weekend work force at the depot through a program of mutual support, can explain what happens when a trainload of tanks arrive.

Sgt. 1st Class Joe Horn, a weapons maintenance foreman and inspector with the 375th, knows the whole process by heart: "Right now, there are 90 to 100 tanks being worked on, and the rebuild cycle is about the same for them all. First the old tracks are snatched off; then, one of the overhead

cranes will pull the turret and move it down the line while another overhead crane will grab the chassis. Everything comes out, down to the last nut and bolt."

Not only are every nut and bolt removed, but anything capable of being salvaged is salvaged. As turret and hull proceed their separate ways, they are stripped, sandblasted, patched and repainted. As the overhead cranes move the two main assemblies closer together, new wiring harnesses, hydraulic lines, optics, engines, computers and guns are installed until they reach the end of the line where Army Reservists from the 803d General Supply Company or 282d Supply and Service Company are just as likely to pack up the crew's equipment and stow it aboard—for shipment overseas or for a Reserve unit around the corner—as the civilians who work at Anniston.

The mutual support program worked out between Anniston Depot and the Army Reserve's 375th Depot not only provides the Reserve and Active Army a chance to share their resources and work together as they would if war came, but saves the active Army money it would have to pay its civilian work force for overtime, while providing the Army Reserve with real hands-on training.

Major Mark Anderson, the 375th's supply branch chief, said, "My people would much rather spend their time here in the depot than back at the Reserve center watching training films or listening to a lecture. Besides, I can't tell you how good the food is here."

NORMAN COHEN: RECOGNITION OF DISTINGUISHED SERVICE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. O'NEILL. Mr. Speaker, it is with special pride that I take this opportunity to pay tribute to the outstanding community service rendered by one of my constituents, Norman D. Cohen, chairman of Lechmere Sales in Cambridge, Mass.

Mr. Cohen is retiring this year after devoting his entire career toward making Lechmere Sales one of the Nation's leading regional hard goods retail businesses. It started before World War II as a small tire store in Lechmere Square, and within a short span of time, it diversified into other consumer products, continuing to grow and expand, so that there are now four major outlets in Massachusetts.

Mr. Cohen assumed the presidency of Lechmere Sales in 1972 and became chairman in 1975. Under his steadfast leadership, the company has developed a new concept of merchandising to facilitate improved customer convenience. The application of high-volume, low mark-up merchandising has attracted considerable trade notice and has developed a high degree of consumer acceptance throughout New England.

Strongly community-minded, Norman Cohen is on the board of directors of several civic and education institutions. Among them are the following: Cardinal Cushing School for exceptional children, Hanover, Mass.; Weizmann Institute of Science, Rehovoth, Israel; the Boston

Ballet Society; Commonwealth Bank and Trust; and executive committee of the Better Business Bureau of eastern Massachusetts.

For those of us who are familiar with the excellent quality of Lechmere Sales, Norman Cohen's important and exceptional guidance in successful innovations in merchandising techniques will be greatly missed.

My wife Millie joins me in wishing Norman and his lovely wife, Shirlee, well and much happiness in the years ahead.

NATIONAL FHA-HERO WEEK

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MYERS of Indiana. Mr. Speaker, Future Homemakers of America throughout Indiana are observing National FHA-HERO Week in conjunction with Vocational Education Week. Using the theme "Building the Skills of America," they join some half million other young men and women members across the country in demonstrating projects that have real value for youth in preparation for future responsibilities.

I want to share with you an explanation of the goals of FHA as articulated by Cheryl Grubbs of Hillsboro, Ind., who serves as Indiana FHA/HERO Secretary:

GOALS OF FHA

(By Cheryl Grubbs)

Future Homemakers of America is one of six vocational education youth organizations. A part of the junior and senior high school home economics curriculum, it provides meaning and motivation for youth working toward educational goals related to vocational home economics education and reaches beyond the classroom instruction into the home and community.

State President Laura Riggs, from Danville, explained that the overall goal of the organization is "to help youth assume their roles in society through home economics in areas of personal growth, family life, vocational preparation and community involvement." "In other words," she said, "it helps us develop leadership, good citizenship, and prepare for the vital work of our country. In our FHA and HERO chapter meetings we analyze member concerns and then develop what we call in-depth projects that are related to our home economics classroom studies. Many people have no idea what is taught in home economics classes today. It isn't just cooking and sewing, it's learning about living, teaching us how to cope with the dual role of homemaker and wage earner in today's fast-paced society. During this week we want to impress on people the importance of vocational education and of Future Homemakers of America as a part of home economics education in preparing us for future living."

Indiana FHA/HERO in-depth chapter projects vary among the 199 chapters affiliated with the state and national organization as the members themselves determine their concerns and thereby their projects. The past year the majority of the 199 chapters have been working cooperatively with the National Foundation of March of Dimes in an effort that stresses the importance of peer group education related to prevention of birth defects and the consequences of teenage pregnancy. Spearheading the effort in Indiana

is the FHA/HERO-Mod team of Shirley Jones from Western High School in Russiaville and Mrs. Betty Phillips from Sullivan. As stated by Shirley, "The intent of the project is to create an awareness among teens of the importance of adequate nutrition, genetic counseling, and many other aspects involved with parenting. The overall effort is to provide a basis for a healthier next generation."

Leadership development is another feature of the Indiana FHA/HERO program. Members and officers are involved in camps, workshops, meetings at the chapter, district, state and national levels. Such activities are designed to build and strengthen leadership capabilities.

Future Homemakers of America was founded June 11, 1945 as an incorporated, nonprofit organization supported by membership dues. There are two types of chapters. FHA chapters place major emphasis on consumer education, homemaking and family life education combined with exploration of jobs and careers. HERO chapters, taking the name from home economics related occupations, place major emphasis on preparation for jobs and careers with recognition that workers also fill multiple roles as homemakers and community leaders.

Nationwide in membership and effort, Future Homemakers of America is co-sponsored by the U.S. Office of Education through the Division of Vocational and Technical Education and the American Home Economics Association. High school home economics teachers, members of the state home economics education staff and leading home economists serve as advisers to chapter, state and national youth officers, giving guidance and counseling to the program.

The national headquarters is located in Washington, D.C.

QUAKER MEMORIAL DEDICATION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WOLFF. Mr. Speaker, I would like to enter into the RECORD praise for a group of people who have done so much for their community. The group to which I refer are the Long Island Quakers; they are certainly worthy of recognition.

Before independence, religious toleration in most of the American colonies was quite limited. Any active Quaker in one of these colonies risked loss of life or limb. New York was one such colony. Nevertheless, many Quakers did come to the New World to bear witness to their faith—and many came to Long Island.

John Bowne and Lucretia Mott are among the most well known of the Long Island Quakers. They struggled hard for justice. But the desire for civil liberties was embodied in the hearts of all Quakers and later, in the Declaration of Independence, the Bill of Rights, and in the symbolism of the Liberty Bell. No one can deny that the rights we enjoy today were established with the aid of Long Island Quakers and others like them so dedicated to the spirit of freedom.

Today, the Quaker ideals are still alive on Long Island. At the Manhasset Quaker Meeting House, founded in 1702,

the area Quakers run a summer school for black children before they were to be bused to the local public schools. The summer school, it was hoped, would lessen the "culture shock" of the new school that would be foreign to them. Similarly, the meeting house is used for part of the week by a young and active Jewish community.

The Quaker Meeting House is a welcome building in the Manhasset community. To commemorate our American Bicentennial, the Manhasset Community Club presented a memorial tablet to the house on Sunday, October 17, 1976. Mr. William O. Masland delivered the dedication address. I was honored to have attended this ceremony and I join with the community in hoping that the Quaker spirit will live on.

THE RIDICULE OF ETHNICS IN THE BROADCAST MEDIA MUST BE STOPPED

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ANNUNZIO. Mr. Speaker, House Concurrent Resolution 6, a bill I introduced on the first day of this new 95th Congress, would put the U.S. Congress on record in opposition to films and television or radio broadcasts which defame, stereotype, demean, or degrade ethnic, racial, or religious groups.

Denigrating remarks about any group in society concerning characteristics over which they have no control, such as race and ethnicity, and those which are associated with the very beginning and ending of life, such as religion, are immoral in themselves. But, in addition, and this is the special concern of Congress, they strike at the heart of a healthy and wholesome political system. While the immorality of such expressions concerns each of us personally, this resolution recognizes that the vitality of our political institutions and our values is dependent on harmonious relations among various ethnic groups. From the mutual respect accorded these groups will grow a stronger and more dynamic democracy.

The motion picture, radio, and television industries have been deficient in their responsibility to help create a society in which individuals can respect their heritage and its institutions, and I call upon the Congress to take a stand against such abuse.

The members of our minority and ethnic groups should not have to witness their portrayal as criminals, idiots, or other undesirable characters. Each minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to American society. When this self-pride is threatened, we jeopardize the human qualities which have most contributed to America's greatness.

Stereotypes as presented on television can be particularly influential to the young child. To a great degree, we become what we see, whether in life or in the media. Thus the challenge to the media is very great indeed, since modeling implies that children will be influenced not only by being told what they should be like but by observing what people with whom they can identify are actually like or portrayed as being.

When the media allow and encourage aspersions to be cast upon groups, portraying them as "superstitious" Catholics, "dumb Polacks," or part of the "yellow peril," or as "welfare blacks," or as "Italian criminals," or as the "lazy bandito," or the "racist hardhat," or the "Jewish loan shark," then social harmony becomes a political concern. The denigrated groups become defensive and hostile to other groups and to institutions which appear to be controlled by "others." Such groups cannot help but question the worth of their allegiance to a political system which seems to affirm attacks upon them.

The motion picture and broadcast media are central to the American way of life and have a profound effect upon viewing families. In 1970, 95.5 percent of all households had television sets, and the average American watched between 25 and 40 hours of television a week. Thus the television set is a perfect instrument for those who would spawn prejudice against and prejudgment of our fellow man.

In such a situation, democracy and representative government do not have a chance. Insulted groups harden hearts and minds to others and freedom of speech becomes a monolog rather than a dialog. Supporters of this resolution do not want Government censorship; they want the leaders in the electronic media industry to exercise a social conscience in human relationships just as they want industries to exercise a social conscience in matters of employment, pollution abatement, and pricing policies.

When private industry defaulted in their social responsibility they were subjected to Governmental regulation. My resolution calls for an evaluation and an accounting by the media industry a year after congressional passage to determine the adequacy of the code of ethics or the guidelines which they develop and apply under the legislation.

I would like to quote a statement of mine in the 1971 hearings on a similar resolution:

Polish-Americans, Greek-Americans, Italian-Americans, Mexican-Americans, black-Americans, and members of every other minority and ethnic group, who by their vigor and pride have contributed so much to America's strength and greatness—have every right to be free from the harm directed at them by thoughtless panders of hatred and discord. Every minority group is justifiably proud of its ancestry, its accomplishments, and its contributions to the advancement of world civilization. When we destroy this pride in "self"—we destroy the very quality Americans possess that has made America great.

Mr. Speaker, I urge the support of all of my colleagues for House Concurrent Resolution 6.

ENERGY CONSERVATION: A FACT
OF LIFE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BROWN of California. Mr. Speaker, by now it should be obvious to the entire country; energy conservation is a fact of life. We cannot expect to return to the days of ignoring energy costs and efficiency when we make decisions about consumer products, or living and working habits. It is true that we may again have periods of energy surplus, but only a fool would believe that the surplus will last. The fact is, we will have to make dramatic shifts from our current energy use patterns to a new, much more efficient consumption pattern.

The amazing energy waste in the United States has been the subject of discussion by international organizations, by the new President of the United States, and by me and others on the floor of this House, not to mention numerous agencies and organizations who have studied the problem over the years. It is not always clear why there is so much waste in the United States, although numerous explanations have been presented. The most fundamental reason is price of fuel, although this is by no means the only explanation. Unless the price of energy goes up in this country, energy conservation efforts are likely to fall far short of their goal. But price increases alone, without the adoption of other programs of implementing energy conservation measures, are likely to also fall far short of conservation and other societal goals. We obviously need a coordinated, comprehensive, and stringent energy conservation program if we are going to have a successful energy savings program.

One of the most preceptive students of the energy conservation field is Lee Schipper, a well-regarded energy specialist who has studied the Swedish energy use pattern. Sweden is one of those countries, much like West Germany, whose standard of living is similar to ours, but whose per capita energy use is about half of that in the United States. We could learn much from these countries.

I would like to recommend to my colleagues a recent article from the Los Angeles Times which was authored by Lee Schipper on this subject, and another related article from the Washington Post.

The articles follow:

[From the Los Angeles Times, Feb. 3, 1977]

SWEDEN COULD TEACH US THE FACTS OF ENERGY: ITS SUCCESS WITH CONSERVATION IS BASED ON TECHNOLOGY AND THE MARKET-PLACE

(By Lee Schipper)

(NOTE.—Lee Schipper, an energy specialist with UC Berkeley's Energy and Resources Group, is the coauthor with Allan Lichtenberg of "Efficient Energy Use: The Swedish Example.")

BERKELEY.—For the first time since the Arab oil embargo created block-long lines at

filling stations, Americans have begun to acknowledge the reality of the "energy crisis."

This time, however, the catalyst is not a collection of desert sheikhs, but nature itself. An unusually harsh winter, combined with dwindling supplies of natural gas, has created a "gas crisis" in the East, Midwest and parts of the South. Dozens of people have died, more than 2 million have been thrown out of work, and commerce and social activity have come to an absolute standstill in many places.

The Carter Administration and Congress have responded to the situation with an emergency measure that allocates an additional share of the nation's natural gas production to the distressed areas. This, of course, is an effective—and necessary—short-term solution.

But what about the long-term implications of the "natural gas crisis"? Will chronic energy shortages henceforth make the safety and economic well-being of the American people dependent on the whims of nature? Is the only alternative to such crises a horrendously expensive national commitment to the discovery of new energy sources and the development of environmentally risky technologies?

I believe that the experience of another of the world's highly industrialized nations, Sweden, indicates that the answer to both these questions is no.

It must sometimes seem that Sweden was created solely for the benefit of social reformers, who continually make tedious comparisons between it and the United States.

But the Swedes' approach to energy usage has little to do with welfarism. Rather, it is based on two principles solidly entrenched in the American tradition: effective technology and the dynamics of the marketplace.

Swedish energy policy takes as its premise the simple economic fact that energy is a commodity in short supply and, therefore, is naturally expensive. Such a free-market presumption encourages Swedes to use energy efficiently. This not only conserves an admittedly finite resource but also holds down overall energy prices by reducing demand.

The result: Swedes enjoy a standard of living equal to that in America, yet they consume just 60% as much energy per capita. Moreover, the success of the energy-conservation approach has had a significant effect on Sweden's energy research program. Experience has convinced the nation's leaders to minimize reliance on expensive or uncertain new energy sources and, instead, to develop progressively more efficient ways of utilizing current supplies.

The United States approach to energy represents a striking contrast. Americans have insisted on maintaining the fiction of low-cost energy through a system of price controls and subsidies to the energy industry and its clients, the consumers. This has tended to distort energy planning by making exotic fuel sources—such as oil shale—and uncertain technologies—such as offshore petroleum drilling and nuclear power—seem more attractive than they really are. For example, Sweden's three-year per capita expenditure to implement a variety of conservation measures is only slightly more than the amount the United States is spending on just one project, the breeder reactor. And, while Sweden allocates more than a third of its energy research budget for conservation, America has earmarked half of its energy research money for nuclear power.

More important, by holding energy prices artificially low, the United States undercuts attempts at conservation, which necessarily involves temporarily inconvenient changes in technologies and living patterns. On the other hand, when the Swedish government does intervene in the energy marketplace, it does so on the side of conservation.

Take the case of transportation policy. Geography and more sophisticated urban planning have allowed mass transit to accommodate 40% of all Swedish travel within cities. Although the majority of residents still rely on the automobile, it is they who—unlike American motorists—have had to pay for the expense of imported oil.

Thus, Sweden taxes gasoline at a rate of 60 cents per gallon, and levies a sales tax on automobiles that escalates in proportion to the weight of the car. As a result, Swedes buy lightweight cars that average an economical 24 miles per gallon.

A similar situation prevails in industry. Swedish industry produces more "energy-intensive" products than the United States and—largely as a result of higher energy prices—uses less energy to do so.

It is in the building sector that the combined impact of higher energy prices and enlightened public policy is most notable. Although Sweden's climate is nearly twice as cold as most of America's, Swedish houses require only slightly more heat than typical American houses of equivalent size. This savings cannot be attributed to the fact that proportionately more Swedes live in apartments, since heat use per square foot in Sweden is just as high in apartments as in private houses. The key to their success rather, is that Swedes insulate their houses and commercial buildings better and make heat retention a major consideration in their design.

These energy-conserving buildings are the product of several government policies: The mortgage law of 1957 guaranteed homeowners and builders extra capital for heat-saving construction; tough codes assure that few sloppy structures are constructed and that new buildings are inspected with an infrared camera for detecting heat leaks; training programs are available for homeowners and building and apartment managers who wish to use energy more efficiently.

In 1975, Sweden allocated grants and loans in the amount of nearly \$35 per person over a three-year period to encourage still more energy conservation in industrial and private buildings. The United States has designated only a fraction of this per-capita expenditure for conservation implementation. Indeed, it is through immediate implementation of sensible building conservation measures that we can best learn from Sweden how to prepare for future winters. The cost of constructing well-built houses is far less than that of expensive new supply schemes.

What else might the Carter Administration learn from the Swedish experience with energy conservation? Sweden's continued prosperity clearly indicates that there is no fixed amount of energy needed to fuel an advanced industrial economy. Appropriate technologies, realistic pricing and governmental policy on conservation are the real keys to any nation's energy demands. Moreover, consumers and businessmen need not fear higher energy prices and diminished supplies. In the long run, America's potential for conservation appears so large as to mitigate many of the worst effects of increased energy costs.

The Swedish example suggests that while our own absolute supplies of oil and natural gas may be declining, the United States will not run out of ways to conserve the remainder for a long while. Indeed, the only way we can preserve our high standard of living is to use our energy resources more efficiently.

This may be bad news for those who have a vested interest in our current energy policy, but it should cheer those Americans who are shivering through this winter and

wondering what chilling shocks next year may hold.

[From the Washington Post, Feb. 6, 1977]

UNITED STATES WASTES MORE ENERGY THAN MOST NATIONS USE: CONSERVATION WOULD NOT BE DIFFICULT

(By William Nye Curry)

Americans waste energy all the time.

Lone commuters lock themselves in 3,000-pound gasoline guzzlers driving to work and back.

Precious heat seeps out of poorly insulated homes while the gas yard-lamp burns all day.

A factory's boilers work up a head of steam to produce goods while a nearby electric plant does the same thing to produce electricity for the same factory.

Apartments are brightly lit, needlessly, round the clock.

Warm water is unnecessarily used for the rinse cycles of clothes washers.

Wasted energy may account for 30, or even 50, percent of all the energy consumed in the United States. In 1975, this country wasted more fossil fuel than was used by two-thirds of the world's population, according to Denis Hayes of the Worldwatch Institute, a Washington-based nonprofit research organization.

West Germany, with a standard of living similar to ours, uses only half as much energy per person, according to the Federal Energy Administration.

"There is nothing that we do that's as efficient as it could be," FEA's John G. Muller says of a nation that prides itself on its technology, its living standard and its can-do attitude. "We could cut waste tremendously without changing the way we live. If you change, you save even more."

The watchword of President Carter's fireside remarks on energy is conservation, which itself is the most readily available source of new energy supplies because energy saved is energy produced.

Conservation means getting more out of the energy we must consume and eliminating consumption that isn't essential. Some examples: doubling up in cars or switching to mass transit, and buying leaner cars that go farther on a gallon. Generating electricity for factories with the same steam used for production. Re-insulating the house and turning off the yard-lamps (13 of them can heat two houses). Separating the electricity bill from rent, because direct payment by the tenant reduces consumption by 25 percent. Rinsing laundry—or doing the whole wash—in cold water.

How have we become such wastrels?

"It's just been too cheap," FEA's Muller says of our once seemingly endless supply of energy.

"The United States matured in an era of abundant fuel and declining real energy prices," says Hayes. Cheap energy "was substituted for all other factors of production . . ."

"The most important variable affecting energy use and energy efficiency is the relative price of energy . . . to other resources," according to a Science magazine article that concluded that Sweden, too, has a living standard close to ours but uses far less energy.

"High national gasoline prices and/or taxes have promoted the manufacture and purchase of relatively efficient autos, notably in Western Europe, and low gasoline prices/taxes have led to large inefficient autos, notably in the United States and Canada," says the International Energy Agency.

A survey by the IEA—18 oil-consuming nations' answer to the oil producers' cartel—reported last year that, despite the price rises

of recent years, the United States still has the cheapest gasoline and natural gas.

The single largest use of energy in the United States is the production of steam for industry. Muller says that for years industry enhanced profits by wasting cheap energy rather than installing generators to produce electricity with its own steam.

With our energy demand growing at 2.5 per cent a year, according to FEA's 1977 National Energy Outlook, and our dependence on foreign oil still growing, there is widespread agreement now on the need for conservation. The federal Energy Research and Development Administration has revised its thinking to recognize the increased importance of conservation as a source of more energy.

There is disagreement, however, on how to stimulate conservation, how much energy can be saved and what impact it may have on the economy.

A Chase Manhattan Bank report says: "An analysis of the uses of energy reveals little scope for major reductions without harm to the nation's economy and its standard of living. The great bulk of energy is utilized for essential purposes . . . Fifty per cent of U.S. energy consumption heats houses, generates steam for industry, heats industry and powers automobiles.

But in a report last year, the FEA found West Germany using far less energy to do those same things—one-fourth as much per person for transportation, one half as much for residential heating (adjusted for climate). The United States uses 40 per cent more energy for the equivalent industrial output.

The FEA concluded: "It may be possible to achieve a substantial reduction in the rate of growth of energy consumption in the United States without reducing the standard of living and economic growth."

Writing in Science magazine, University of California researchers Lee Schipper and Allan J. Lichtenberg said the primary reason Sweden burns less energy than the United States is not that it has learned to do without but that it has learned to do better. Since fuel costs more, it is used more wisely. Schipper and Lichtenberg conclude that if Americans drove lighter and more efficient cars, erected better buildings and used industrial steam more efficiently, the United States could perhaps cut energy consumption 30 per cent.

It could be cut if Americans would not throw away used motor oil rather than recycle it for lubricants, if they would not over-package food at such a rate that production of packing increases faster than consumption of food; if gas pilot lights did not burn endlessly when most could be replaced by electrical igniters; if houses were not under-insulated; if we did not use 20 times as much electricity to produce a pound of aluminum from raw material as we would to produce a pound from recycling.

"All of us must learn to waste less energy," the President said in his fireside remarks. "There is no energy policy we can develop that would do more good than voluntary conservation."

However, in its report last year, the International Energy Association said, "The United States conservation program . . . is severely hampered by oil and gas prices controlled below world market prices and by very low taxes on all fuels."

"We've been living on our (energy) inheritance, not on our income," says FEA's conservation expert, Muller. "And we're spending it faster than we're building up our annuity. Depending on what sacrifices we make, we can reduce it any amount."

MEDICAID ABUSE HINDERS EFFORTS TO PROVIDE QUALITY HEALTH CARE IN AMERICA

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. PEPPER. Mr. Speaker, in his fireside chat Wednesday evening, President Carter pledged support for congressional efforts to eliminate the fraud and abuse which has been determined to exist in our current medicaid system. I applaud his comment, and I look forward to working with the President and my colleagues in the Congress to improve medicaid and to guarantee the integrity of this important health delivery system.

I am pleased to be a cosponsor, with my colleagues PAUL ROGERS and DAN ROSTENKOWSKI, of H.R. 3, the medicare-medicaid antifraud and abuse amendments. Investigations have uncovered countless examples of bloated medical costs, needless referrals, kickbacks, and unnecessary diagnostic tests. These activities by physicians and others whose services are covered under medicaid pirate funds desperately needed to provide vital and necessary services to the poor or indigent who have no other health care coverage.

Congress and the administration must act quickly and effectively to end medicaid fraud and abuse if we are to assure all Americans of the integrity of our federally assisted health care programs. But our efforts must not in any way be construed to represent a retreat in the area of health care. Far as we have come in the last 10 years, we still cannot guarantee to every American adequate health insurance at a decent and reasonable cost. We have the finest medical technology of any country in the world but we cannot rest until every American has access to this technology.

So we must view our efforts to clean up the medicaid system as a way to produce financial savings that can be redirected to expand services to address still unmet needs.

For example, the savings we realize can be used to expand home health services under the medicare and medicaid programs, to prevent the needless institutionalization of older Americans who because of the lack of health related services in the home are forced into nursing homes. Outpatient geriatric clinics, senior centers, and day care centers are additional services which should be encouraged if we are to provide workable, reasonable alternatives to institutionalization of our elderly citizens.

American taxpayers deserve the assurance that their tax dollars are being used in the wisest and most efficient possible manner. We intend to give them this assurance by early action on pending legislation to clean up fraud and abuse which currently exist in medicare and medicaid. By the same token, Americans deserve access to quality health care at a price they can afford.

That is what our efforts should produce, and it is what every citizen, regardless of age or income, deserves.

DISAGREEMENT ON COURT RULING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. SCHROEDER. Mr. Speaker, on January 21, 1977, the Speaker and the minority leader wrote to the Attorney General of the United States expressing concern over the Davis against Passman decision. It is clear from the letter that neither of this distinguished body's leaders agree with the fifth circuit decision. Their disagreement is unfortunate. Next they might wish to amend the fifth amendment so as to exclude the House from its view. The Speaker's and minority leader's letter, as well as my own letter to the Attorney General, are set out below:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 21, 1977.

OFFICE OF THE ATTORNEY GENERAL,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: It has come to our attention that the United States Court of Appeals for the Fifth Circuit on January 3, 1977, determined that a former Member of the House of Representatives could be held personally liable in money damages for having terminated the employment of a former congressional office staff member (Davis v. Passman, No. 45-1691).

Having discussed this matter with a number of Members on both sides of the aisle, we have discovered widespread concern over the possible impact of this decision on Members of Congress. It is our belief that the breadth of the ruling by the Court of Appeals, with respect to sovereign immunity, immunity under the speech and debate clause, and personal liability on the part of governmental officials vitally affects the sovereignty of the United States as well as the integrity of the Legislative Branch. If this critical precedent is to become firmly established as part of our body of constitutional law, all issues and interests should be fully and fairly argued.

We therefore request and strongly urge that you exercise such authority as may be available to you under the laws of the United States to present such issues and represent such interests in an appropriate manner in this case. We would appreciate being promptly advised of any action you may take.

Sincerely,

THOMAS P. O'NEILL, Jr.,
Speaker.

JOHN J. RHODES,
Minority Leader.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 2, 1977.

GRIFFIN BELL,

Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL BELL: The Speaker and the Minority Leader wrote to you on January 21, 1977, expressing their concern, and the concern of a number of other unnamed Members, over Davis v. Passman.

However, I happen to agree with the ruling in Davis v. Passman; "Finding that our Constitution protects individual rights even against the mighty, we remand this case for trial." If the Constitution cannot protect

citizens against the caprice of elected officials nothing else can.

I would very much appreciate being advised of what action the Department plans to take on this case. (If anything, you ought to enter the case on the side of Ms. Davis.)

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

JACOB HIATT TO RECEIVE THE DISTINGUISHED FRIEND OF EDUCATION AWARD FOR 1976-77

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. EARLY. Mr. Speaker, Jacob Hiatt is one of the most distinguished residents of my Third Congressional District of Massachusetts. Mr. Hiatt, whose lifework is both dramatic and personally inspiring, was recently named the 1976-77 Distinguished Friend of Education by the District 1—New England and Canada—Council for the Advancement and Support of Education—CASE. The award was presented by Dr. Marver Bernstein, president of Brandeis University, at CASE's annual meeting last month.

It is a privilege for me to have this opportunity to publicly congratulate Mr. Hiatt on receiving this outstanding award for his commitment to and support of education over the years. Indeed, I share the sentiments of Rev. John E. Brooks, S.J., president of Holy Cross College, when he said:

I cannot think of a more deserving recipient.

Mr. Speaker, I would like to insert in the RECORD at this time a summary, prepared by the Worcester Foundation for Experimental Biology, which outlines the truly exceptional career of this fine American:

JACOB HIATT

Jacob Hiatt of Worcester, Mass., who arrived in this country as a penniless immigrant 40 years ago, and who has now served as Trustee of eleven colleges and universities and is President of Rand-Whitney Corporation, one of the nation's largest manufacturers of paper containers, has been named the 1976-77 Distinguished Friend of Education by the District I (New England and Canada) Council for Advancement and Support of Education. The formal presentation will be made by Dr. Marver Bernstein, President of Brandeis University, at the organization's annual meeting, January 24 in Portland, Maine.

This award highlights the dramatic story of a typical American saga. Hiatt, as a brilliant young lawyer, was appointed a Circuit Judge of the Court of Lithuania at the age of 26. He came to this country in 1935 to pursue his legal studies only to learn that both of his parents had become victims of the Nazi holocaust. Lacking any means of financial support, he established a one-man shop which he developed into his present industrial empire and spent the next four decades devoting his major energies and philanthropies to the cause of higher education.

The annual designation of a Distinguished Friend of Education by the Council for Advancement and Support of Education was created "to acknowledge education's reliance

upon the understanding, support and advocacy of responsible citizens". Previous recipients have included the late Connecticut businessman-philanthropist, Charles A. Dana; and the husband-wife team of Carl Gilbert, former Gillette board chairman who was prominent in the Harvard alumni for many years, and Mrs. Helen Homans Gilbert, former acting President of Radcliffe College and until recently President of the Harvard Board of Overseers. The award is generally recognized as a long overdue recognition of the importance of private initiative in furthering higher education.

Included in the array of educational roles for which Hiatt is being honored is the Chairmanship of the Board of Trustees of Brandeis University for the past six years; membership on the History of Science Visiting Committee at Harvard University; one of the first laymen to be named a Trustee by The College of the Holy Cross; a Life Trustee of Clark University; and Trusteeships at Assumption College, The Worcester Foundation for Experimental Biology, and the Woods School in Langhorne, Pennsylvania.

Derek Bok, President of Harvard, termed the selection, "well deserved... for your outstanding service and efforts". Stated Rev. John E. Brooks, S.J., President of Holy Cross, "I am indeed delighted!... I cannot think of a more deserving recipient." And Hudson Hoagland, renowned neuro-biologist and past President of the American Academy of Arts and Sciences and President emeritus of The Foundation for Experimental Biology, commented, "I congratulate both you and C.A.S.E.—the latter especially for its good judgment".

Shortly after his arrival in the United States, Hiatt was forced to earn his living by washing dishes and later by tutoring. Launching his one-man paper box plant, he early encountered the classic problems of the small businessman and frequently slept in his shop to economize. The modest initial venture has now grown, through mergers and acquisitions, into a major fabricator of paper boxes, cartons and containers. Other business and financial involvements include the Estey Investment Corporation of which he is President. He also serves as a Director of the Bank Leumi of Israel and of the Guaranty Bank & Trust Company of Worcester.

Other educational affiliations include service as Chairman of the Board of Trustees of The Archaeological and Biblical School in Jerusalem; a member of the Board of Governors of the Hebrew Union College—Jewish Institute of Religion of New York and Cincinnati; membership on the Governor's Council on the Arts and Humanities of the Commonwealth of Massachusetts; Fellow of the Massachusetts Historical Society; Trustee of the Worcester Museum of Art; and membership in the American Antiquarian Society. Hiatt returned to Clark University for the Master's degree in history and international relations in 1946 and is the recipient of an honorary degree from Holy Cross.

He and Mrs. Hiatt are the founders of the Jacob and Frances Hiatt Institute in Israel which provides Junior-year-in-Israel opportunities and scholarships for students from colleges and universities throughout the United States. They have also established the Jacob and Frances Hiatt Chair of European History at Clark University.

Hiatt has also played an active role in Jewish communal affairs. He is a member of the National Cabinet of the United Jewish Appeal and a major participant in the programs of the American Jewish Historical Society.

He is married to the former Frances Levine, a graduate of Boston University and formerly a teacher. Her own impressive array of civic activities equals, in scope and diversity, those of her husband.

ELEVEN MILLION TEENAGERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. FRASER. Mr. Speaker, I would like to bring to the attention of my colleagues a fine publication recently released by the Alan Guttmacher Institute, "11 Million Teenagers: What Can Be Done About the Epidemic of Adolescent Pregnancies in the United States." The report gives some disheartening figures about teenage pregnancy and its consequences.

The title derives from the fact that more than 11 million—over half—of all American teenage boys and girls aged 15 to 19 are sexually active. Of these, 4.3 million are girls who can become pregnant. About 1 million girls aged 15-19 do become pregnant each year.

Sixty percent of these pregnancies result in births, about 608,000 infants annually. The remaining 40 percent of these pregnancies are terminated by induced or spontaneous abortions.

About 54 percent of these teenage births—326,500 babies—are conceived premaritally. An increasing percentage, two-thirds of these babies, are born out of wedlock, and one-third are born to married teenagers. But, statistics for teenage marriages are dismaying. Sixty percent of teenage brides who are pregnant when married are divorced within 6 years.

The situation for teenagers younger than 15 is even more depressing. Between 400,000 and 600,000 U.S. girls younger than 15 are at risk of becoming pregnant each year. Thirty thousand of these young girls do become pregnant each year. Fifty-eight percent of these pregnancies end in spontaneous or induced abortions, 36 percent in births out of wedlock, and only 6 percent in marital births—nearly all of these resulting from pregnancies conceived out of wedlock.

The teenage birth rate in this country accounts for one-fifth of all U.S. births. Our teenage birth rate is one of the highest in the world. Among industrialized countries, only Romania, New Zealand, Bulgaria, and East Germany have higher rates.

Why all these pregnancies?

Many were unintended. Of the 1 million pregnancies of teenagers aged 15 to 19, 667,000 were unintended—resulting in 300,000 unintended births. The 30,000 pregnancies of youngsters under 15 can be assumed to have been unintended.

Unless society can find a way to reduce the level of sexual activity by unmarried teenagers, unwanted pregnancies will continue among teenagers. The rate of unintended teenage pregnancies is significantly increased by lack of knowledge or failure to use birth control methods. Usually there is no access to or knowledge of contraceptives. The report's headlines tell the story:

Only one-fifth of States requiring health education mandate sex education in the schools.

Only 3 in 10 teach about birth control methods in high schools.

Two million teens still without effective birth control services.

Six in ten education programs exclude birth control.

Three-fourths of comprehensive teen programs do not offer birth control services.

What if the pregnant teenager wants to have her child? Again, the headlines show the problems of the teenage girl who—with or without the support of the father—chooses to bear a child:

Three-fourths of mothers 17 and younger have no health insurance.

Seven in 10 young teens get no prenatal care in first trimester.

Programs for pregnant teens serve few patients in most cities.

Pregnancy: The most common cause of teenage school dropout.

Eight in 10 day care centers will not care for children under 2.

All of my colleagues received a copy of "11 Million Teenagers," and I encourage them to read it. I think that they will find, as I did, overwhelming evidence of a serious problem. We have an epidemic of teenage pregnancy. The report defines the problem, which must be understood before it can be solved.

"What Could Be Done," the recommendations of the Guttmacher Institute report are convincing. That section of the report is reproduced below:

WHAT COULD BE DONE

In this booklet is assembled information documenting the epidemic of adolescent pregnancy and childbearing in the United States, evidence that the consequences are serious and far-reaching, and descriptions of some of the programs designed to prevent teenage pregnancy or to cope with it.

Certainly, the problems of U.S. teenagers and the solutions to those problems are more diverse and complex than can be fully explored in a publication such as this. Yet, simplification is justified if it serves to highlight some central issues that are often obscured in more detailed observations and analyses. The information presented here illustrates clearly that teenage pregnancy and childbearing is a major unsolved problem in the United States, and that, although we have most of the knowledge and resources needed to solve it, we have failed to do so.

The main outlines of a national program to cope with this epidemic are not difficult to formulate. Such a program would offer:

Realistic sex education, through schools, churches, youth agencies and the media, that offers youngsters honest and pertinent information about fertility regulation and where they can get it, as well as about sexuality and human reproduction. Educational programs are needed also for parents so that they can better understand their children's needs, and how they can help them.

An expanded network of preventive family planning programs, with particular emphasis on programs to reach adolescents with information and services suited to their requirements. The progress of the last five years makes evident that this could be accomplished rapidly and at low cost, given adequate public support for expanded clinic programs and a priority emphasis by health providers that already serve adolescent populations (such as school health services and free clinics). Family physicians could also be helped better to understand the fertility control needs of their teenage patients.

Adequate pregnancy counseling services, so that teenagers have access to a means of determining early on if they are pregnant, and to even-handed unbiased information on all the options open to them if they are. These should include referral to high quality medical services either to terminate the pregnancy or to carry it safely to term, whatever is decided.

Equal availability and accessibility of legal abortion in all parts of the nation—large cities and small, metropolitan and rural areas, the midcontinent as well as the East and West coasts—so that adolescents who need and want abortions have an equal opportunity to exercise their constitutional right to end an unwanted pregnancy.

Adequate prenatal, obstetrical and pediatric care for those who choose to carry their pregnancies to term, so that both the adolescents and their babies have an opportunity to overcome some of the high health hazards of early pregnancy. The care available to many pregnant adolescents remains scandalously poor, in spite of the efforts in the last decade to improve the situation.

Educational, employment and social services for adolescent parents and day care for their infants, so as to reinforce their demonstrated motivation to finish their education, to train for and obtain jobs. Where appropriate, adequate income support must be made available so that the young mothers can give their babies a decent start in life.

Coverage in national health insurance of all health services related to adolescent pregnancy and childbearing—contraception, pregnancy counseling, abortion, prenatal and obstetric care, nutrition, pediatric care—with particular emphasis on mechanisms to insure that the program protects the privacy of teenagers.

Expansion of biomedical research to discover new, safe and effective techniques of fertility regulation better suited to the needs of young men and women.

The remarkable thing about this program is that we already know how to develop most of it, and its costs would not be high, particularly when compared with the huge costs individual adolescents—and our society—are already paying for the epidemic of teenage births. It is difficult to believe that a nation with a federal budget of \$430 billion a year does not move ahead with such a program mainly because of lack of resources. There must be other reasons to explain why we choose to act in ways which seem to be so clearly opposed to our best interests.

One likely reason is that many Americans either do not know about, or choose to ignore, the extent of the problem of adolescent pregnancy and childbearing, or what it is already costing us as a nation, in health, economic, social and human terms. This publication addresses that issue. It is to be hoped that the information assembled here will help governmental officials, decisionmakers, civic leaders and ordinary citizens to understand that adolescent pregnancy is a problem our nation can no longer afford to ignore.

Another reason is that many adults are so disturbed by the notion of adolescent sexuality that they prefer to avoid facing it; alternatively, they advocate 'punishing' adolescents for their sexual activity in the hope that having borne an out-of-wedlock child, faced educational disruption, and/or having undergone a painful premature pregnancy, the teenager will be persuaded to stop having sexual relations. Typically, traditional mores, ethical or religious values are called on to justify opposition to programs designed to prevent or cope with adolescent pregnancy. Clearly, however, there are ethical implications associated with any course of action—or inaction—to deal with these problems.

ILLEGAL ALIEN PROBLEM REQUIRES
REORGANIZATION

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ROSENTHAL. Mr. Speaker, a comprehensive study of the illegal alien problem released by the White House declared our immigration policy "ineffective" and concluded "the illegal immigration phenomenon is significant and growing."

This study is the most important and authoritative ever made of the problems posed by millions of illegal aliens in communities throughout the United States. It reflects 2 years of intensive investigation and consultation among high officials of six departments.

The report confirms the dire impact upon jobs, housing, and social services of a virtually open flow of illegal aliens into our country. It also points us to the solution which I have long been urging—closer integration of the interested Federal agencies "to prevent entry of the illegal."

Two years ago, I first introduced my bill to combine the visa issuers in the State Department with the visa enforcers in the Justice Department to make one new independent agency with combined budget, management, and goals. The bill received strong support from private groups seeking a humane, but effective solution to the illegal alien problem. Today, in a climate more favorably disposed toward reorganization and the streamlining of the Federal Government, I am reintroducing my bill with high hopes for its prompt and careful consideration.

Most accounts estimate approximately 8 million aliens illegally reside in the United States holding some 1 million jobs. Many of these illegals participate in such Government programs as food stamps, welfare, medicaid, and even unemployment compensation. The cost to taxpayers has been estimated at a minimum of \$13 billion a year.

The magnitude of the difficulties makes a mere dollars approach impractical. One proposed solution—penalizing employers who hire illegal aliens—might help through eliminating an incentive for the arrival of illegals. This idea, however, is stiffly opposed by officials of some States where aliens are an important part of the labor force. Moreover, such a policy is objectionable in that it could encourage some employers to deny work to all members of certain national groups, regardless of their immigration status.

There is a solution which would not be subject to the above infirmities—a more careful screening of visa applicants to weed out potential illegals.

As many as 40 percent of the illegals do not sneak across a border, but enter legally on a temporary visa and remain after the visa expires. These illegals typically are found outside the States where their cheap labor is a major economic factor. This group includes an estimated 1 million residing in the New York metropolitan area alone.

Visa violators wreak havoc on local services and job markets. They also are the most difficult to apprehend since they melt easily into the crowded quarters of an inner city. Only 12 percent of all illegals caught in fiscal year 1974 came from this group.

The point at which this aspect of the illegal alien problem must be met is the American consulate. The consular official reviews visa applications for accuracy and assesses the likelihood of an applicant complying with visa terms. Unfortunately, he often does a poor job in both tasks. About 10 percent of the 6 million foreigners annually issued tourist or student visas become illegal aliens.

There are several reasons for this. The first is the character of the State Department's Visa Office. The consular service is the least prestigious of State's divisions. The service has had repeated difficulty recruiting and keeping personnel. As long as the Department maintains a single hiring system for its units, bright, young officers will be attracted to the diplomatic assignments and shun the less glamorous and more bureaucratic duties of the consular service. During the last 10 years, the number of visas issued has risen over 300 percent while the number of visa officers has actually decreased.

The consular service also suffers from State's budget priorities. For fiscal year 1977, the Bureau of Security and Consular Affairs, which includes the Visa Office, recommended State request OMB to fund 68 new consular positions. While acknowledging the need for these personnel, the Department rejected this recommendation and requested no new positions. The Department apparently felt that additional dollars should be spent in areas more immediately connected with the foreign policy functions of the Department.

Further, State's operating procedures are often poorly adapted to the needs of a visa issuance system. The shortage of skilled consular personnel is aggravated by the Department's employee rotation system. With one-third of the consular service shifting posts each year, there is a great loss of productive time. More seriously, expertise gained in handling applicants from particular regions is lost as the consular official moves to another region or to nonvisa work.

Finally, the foreign policy implementation function of State often interferes with its visa issuance function. The pressures of foreign governments become a factor in reviewing visa applications. This violates the spirit of, and fosters a disregard for, the immigration laws.

In brief, the requirements of an essentially bureaucratic and administrative visa issuance operation are incompatible with the diplomatic and policy-making functions of the State Department.

The second reason for the deplorable record of visa overstays and violations is the split of responsibility for aliens between State and Justice's Immigration and Naturalization Service. A serious lack of cooperation and coordination marks relations between these two agencies. For example, INS does not make

regularly available to State information on apprehended illegal aliens. Conversely, State does not typically send INS information on visa issuances until the alien arrives at the U.S. port of entry. Symptomatic of this absence of collaboration is the fact that, while both INS and State are computerizing their information operations, the two systems will be incompatible. Such antagonism prevents improvements in the visa application review process.

The only solution to these fundamental problems is the creation of a separate, independent visa and immigration agency having the combined functions of the INS and the Visa Office. Such an agency would alone have the unified policies, procedures, and perspectives required to cope with the massive illegal alien problem. This idea has been endorsed in private by officials of both Departments.

The bill I am introducing today would establish such an agency. This bill affords an excellent opportunity to increase the efficiency and economy of government while saving the Nation many of the great costs connected with illegal aliens. I urge and invite my colleagues' support in the prompt passage of this legislation.

LIBERALS' HYPOCRISY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KETCHUM. Mr. Speaker, it is with great personal pleasure that I share with my colleagues a "tribute to liberals' hypocrisy," which was brought to my attention by my friend and constituent, Stuart R. Smith. This reprint from the Los Angeles Times was augmented by some of Mr. Smith's own sterling comments, such as this: "Ask the new U.N. Ambassador when he gets back from southern Africa if he won't go to Russia, and try to bring about majority rule there also!" He has also inquired as to whether or not the liberal influence on Government might not be encouraged by media sympathy—I found I was forced to answer in the affirmative.

[From the Los Angeles Times, Jan. 3, 1977]

LIBERALS' HYPOCRISY

The letter (Dec. 20) explaining why "bleeding heart" liberals support Cuba and China while attacking South Africa and other non-Communist authoritarian governments was most instructive.

As a social democrat I have always been appalled by the massive hypocrisy of liberals who will support any totalitarian state that labels itself Marxist no matter what sort of crimes it is guilty of. Those liberals who marched and protested underground atomic testing by the United States didn't utter a word when a Chinese above-ground test sent a cloud of radioactivity around the world.

Liberals who "bleed" about 3,000 political prisoners in Chile ignore 300,000 (by The Times' count) people in concentration camps in Vietnam. The execution of three terrorist murderers in Spain became the subject of worldwide protests, including a particularly

asinine one in Los Angeles, And yet the death of a million or a million and a half people in Cambodia at the hands of the Communist dictatorship goes virtually unnoticed in liberal circles.

Quite frankly the hypocrisy of American liberals is a stench in the nostrils of all of those who love freedom and support democratic socialism.

GEORGE H. SMITH.

Inglewood.

WATERWAY USERS' FEES

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BEDELL. Mr. Speaker, I am today introducing legislation which would require the users of this Nation's inland waterways to pay a fair share of the cost of Federal capital expenditures and maintenance.

Waterway users today enjoy use of Government built and maintained river systems without having to pay anything for the privilege. All navigable rivers and canals in the United States share this background of Federal subsidy.

On the other hand, competing forms of transportation do pay fees. Trucks pay fuel taxes, permit fees, and tolls to operate on the Nation's highways. Aircraft pay fuel and ticket taxes plus landing fees. Additionally, while not routinely subsidized by the Federal Government, railroads nonetheless pay substantial property taxes.

I believe it is time to assure a more equitable distribution of the fee burden among transportation users. Furthermore, there have been at least 11 major studies of this situation since 1939 and they have all recommended inland waterway users' charges.

My bill would impose a 2-cent per gallon fuel tax plus additional charges for the use of Government provided facilities. My bill requires users of these facilities to pay approximately 50 percent of the cost of providing and maintaining our inland waterways. However, this cost is phased in over a 10-year period and the charges will be set by the Secretary of the Army only after he has had a period of 10 months to study the situation and determine appropriate charges.

Mr. Speaker, you will hear a number of arguments against any sort of users' fees. Let me comment on one of them right now. Much is made of the 1787 Northwest Ordinance's saying that navigable waterways shall be "forever free * * * without any tax, impost, or duty." I would point out that the Supreme Court has ruled this to mean unimproved navigable waterways. Hence, the imposition of users' fees does not violate any previously guaranteed rights.

Since 1787 Federal involvement in navigational improvements has grown tremendously. Beginning in the 1830's with the removal of snags, shoals, and sand bars, the Government expanded its activities to include in 1878 the first com-

prehensive project on the upper Mississippi River.

The Federal Government's concern with creating a viable water transportation system is further illustrated by the fact that beginning in 1918 a federally owned barge line was established on the Mississippi River and her tributaries. In 1953, the Federal barge line was sold by the Government to a private corporation, having met its congressionally mandated objectives.

Over the history of its involvement with domestic water transportation, the Federal Government has spent more than \$14 billion. The figure for 1975 was \$716.5 million. I believe that the inland waterway system of this country is prospering and that its users should now begin to pay a share of the costs of their facilities. I hope that Congress will quickly come to recognize this fact and move to enact a waterway users' charge such as I have proposed.

HOUSE RESPONSIBILITY IN THE ENERGY AREA

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MARTIN. Mr. Speaker, for the past several years and again this year, consideration has been given to coordinating House responsibility in the energy area. This year we have legislation, with a recommendation from you, for creating a Select Committee on Energy. I hope this effort gets off our wintry frozen ground.

Four years ago, as a freshman, I served on both the Interior and Science Committees. Each had a slice of the energy pie. The former was key in coal, the latter in newer forms such as geothermal and solar. We saw other slices of the energy pie in other committees. Now, in my second term on Ways and Means, energy is a major area of committee concern. Others may make it, while we tax or untax it. I cannot remember any committee of this House passing up an opportunity to hold hearings on some aspect of energy. The 94th Congress found it impossible to bring order out of that jurisdictional chaos.

Now, recognizing we are all human and, therefore, unlikely to relinquish our respective slices of the jurisdictional pie, or of the limelight those slices provide, we are compelled to somehow get those slices into one pie tin.

Mr. Speaker, you are to be commended for adding your strength to the building of a new and better pie tin. A new select committee which will not threaten anyone's jurisdiction is certainly the best one available, because it is more politic. By providing a forum where these jurisdictional slices can come together as a body, we make possible far greater coordination. Coordination is not a uniform policy, but we should hope that, for example, we would avoid having committee A embark on an effort to promote an

energy form or system while committee B embarks on an effort to negate any such promotion through the Tax Code or some other vehicle.

Mr. Speaker, I hope that we will soon see the creation of a Select Committee on Energy. It should be a good first step toward a coordinated legislative approach to America's continuing, deepening energy crisis. Under your proposal, the standing committees would retain their prerogatives but the select committee could overcome the division thereof by simultaneously studying the entire energy situation and moving, for the first time, a balanced, comprehensive package of energy solutions.

THE VOTE ON THE ASSASSINATION COMMITTEE

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. STEERS. Mr. Speaker, President John F. Kennedy and the Reverend Martin Luther King, Jr., are national heroes whose wisdom and grace are sorely missed by millions of Americans, including me.

Partly because of my regard for them and partly because of my general belief that debate is healthy, I voted for the rule which provided for debate and consideration of the resolution to continue the select committee to investigate the assassinations of these men.

However, during that debate I became convinced that little was likely to be discovered about these two murders at this late date, and that while the alleged improprieties of the Federal Bureau of Investigation and the Central Intelligence Agency should be investigated, existing committees have full and proper authority for such investigations, plus the authority to legislate to prevent such improprieties in the future.

A third consideration was the dispute over the cost which, no matter who was right, would be considerable—especially for an effort unlikely to uncover new truths. While the director of the investigation has said that at least \$6.5 million a year, for 2 years was needed for the work, the proposal on which we were voting provides less than one-sixth that annual amount.

A lot can be done for \$13 million—2 years at \$6.5 million—in agricultural research that would aid the poor of this world, and I believe Dr. King and President Kennedy would rather see the money spent on such a cause. Indeed, it can be argued that there is something undemocratic about spending so much on two particular murder victims, when other murder investigations get only cursory treatment, because of lack of funds.

But to spend less on such an investigation and end up with another questionable result seems to me even more wasteful.

As a result, I voted against continuation of the committee. I fear that the committee's spending will be for nothing. I will be happy to be proved wrong.

HOW WE WILL BEAT THE ENERGY CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. OTTINGER. Mr. Speaker, the article which appears below comes from New York magazine, January 31, 1977.

I think the text speaks for itself, but I do urge all my colleagues to read the conservation measures so well described.

Perhaps the RECORD will bring news of energy conservation to our constituents. Surely, it has been hard to flush out examples like the ones below from our energy agencies.

Congratulations to New York magazine and the people behind the energy conservation projects described in the article.

The article follows:

HOW WE WILL BEAT THE ENERGY CRISIS

(By Andrew Tobias)

"Saudis Warn the West to Show Appreciation of Oil-Price Restraint"

—New York Times lead headline, December 18, 1976.

THE BAD NEWS

It is an old refrain but depressingly true. I will sing it for just four paragraphs before breaking into something livelier:

We are now in worse shape in terms of energy than we were in 1973. We are consuming more oil than ever and producing less. Imports, accordingly, have ballooned. More than ever, our unemployment and inflation rates are determined not by decisions we make, but by the Organization of Petroleum Exporting Countries (OPEC).

(Anyone who doubts that OPEC affects inflation and unemployment need only consider what would happen if the price of oil were miraculously halved.)

"The insouciant insanity," writes C. L. Sulzberger, "with which the industrialized countries of the West regard the worsening energy crisis, which can quite easily undermine and destroy the entire fabric of free society, is possibly the most frightening problem—both long-range and short-range—to face what we happily refer to as democratic civilization." Truly.

A gallon of gas costs \$1.34 in Japan, \$1.39 in Germany, \$1.60 in France—why are we trying so hard to give it away? We desperately need a whopping gasoline tax—50 cents a gallon or more—to encourage the shift to cars that go just as far, just as fast, on half the gas.¹ We desperately need a strip-mining law that will allow us to get on with the job of substituting coal production for oil importation, while protecting the environment. We desperately need to decontrol the price of natural gas, imposing a windfall profits tax on producers if necessary, to encourage conservation of and exploration for this ridiculously underpriced and environmentally ideal fuel. (Never was this clearer than last week, when frigid weather causing natural-gas shortages led to plant closings and real hardship. See box, "Last Week's Natural-Gas Scare," on page 31.) We desperately need to stockpile a six-month supply of oil to give us some leeway in dealing with OPEC.

¹The enormous proceeds of such a tax could be used to lower personal income-tax rates dramatically. It's a shame we need any taxes at all; but since we do, let us tax something we wish to discourage—gasoline consumption—rather than something we don't—the incentive to work.

("Practically alone among the industrial world's oil-importing nations," says *Business Week*, "the U.S. has no emergency stockpile of petroleum.")

But, as I say, this has become an old refrain. We are numb to it. The good news is that there is some good news. Chiefly, we now have a president who recognizes the urgency of these problems and who, with a Congress of the same political party, may well—at last—act. But beyond that, despite the lack of any overall national direction, a great many of our fellow Americans are already responding to this slow-motion crisis with admirable ingenuity. What follows is a sampling of some of the progress that is being made. It is offered—at the risk of sounding naive—with the feeling that, now that Vietnam, Watergate, and the worst of the recession are behind us, and with new people in office, the prevailing national mood will become increasingly positive, determined, and constructive.

THE GOOD NEWS

Macy's New York division has cut its energy consumption by 20 percent. When Honeywell controls that have proved effective in one of the stores are eventually installed in all sixteen, consumption will be cut still further.

The Las Vegas Paving Corporation has helped develop an economical way to repave roads. Instead of tearing up the existing asphalt, finding someplace to dump it, and laying down new asphalt, pavers are beginning to melt the old stuff and lay it right back down. This procedure may eventually save as much as 700 million gallons of petroleum-based asphalt a year.

A Boca Raton condominium, Admiral's Walk, has cut its energy consumption—and its \$55,000 annual electric bill—by more than half.

The two biggest savings have come from, first, using the enormous waste heat from the air-conditioning systems to heat the building's water—a job that previously required two 2-million-BTU boilers—and, second, designing a computerized control system to regulate temperature, lighting, and various pumps more efficiently. Rather than allow several air conditioners to kick in simultaneously, for example, which demands tremendous power and jumps the condo into a higher billing bracket, the computer shaves peak demand by having the air conditioners kick in one after the other.

Forty-five mercury-vapor lights in the parking lot were replaced with 23 sodium-vapor lights that produce even more light but consume a third the power, saving 15,000 kilowatt-hours a year.² Corridor light bulbs were reduced in wattage to save another 68,000 kilowatt-hours annually (reducing, meanwhile, a source of heat the air-conditioning must fight). A water softener was added to the air-conditioning system to cut down on calcium buildup, a mere sixteenth of an inch of which can reduce efficiency 20 percent.

Building manager Rod Tesche estimates that, in all, less than \$70,000 was spent on the various conversions and modifications he engineered including the computer—for an annual savings of \$30,000. Even at current Florida electric rates, expected to jump soon, that works out to a return on investment of 43 percent a year. Year after year after year. Tax free. It represents, too, an enormous savings in irreplaceable fossil fuels.

A popular soul-food restaurant in Greenwich Village, the Horn of Plenty, is planning an equally comprehensive—and profitable—conservation program, aimed at cutting energy costs by 60 percent. (The current bill runs to around \$35,000 a year.)

²A kilowatt-hour is consumed by ten 100-watt light bulbs left burning for one hour. The cost ranges from 1½ cents in Seattle to nearly 90 cents in New York.

A variety of inefficient air conditioners scattered throughout the restaurant will be replaced with one large efficient 25-ton unit.

This alone should cut air-conditioning costs in half. (Air conditioners vary tremendously in efficiency.)

Moreover, the heat from air conditioners normally blown out into the street will be used to preheat water to as much as 140 degrees to 150 degrees Fahrenheit. This will slash the cost of heating water, and actually help the air conditioner to run 15 percent more efficiently.

(Energy Conservation Unlimited, Inc., Box 585, Longwood, Florida 32750, makes an inexpensive residential and commercial use. Smaller than a suitcase, it uses waste heat from central air conditioners and large refrigeration units to provide free hot water. One study found that water-heating costs were cut by 79 percent during the air-conditioning season. Brochures are available.)

Through another heat-exchanger arrangement, the Horn of Plenty hopes to use heat from around its five huge ovens to warm either water or the restaurant itself. (As things now stand, fans just blow that valuable heat out through the roof.)

Heat may even be recovered from—yes—the kitchen sinks by draining hot waste water into a tank, which itself will then radiate heat.

Insulation will be improved. Cool, efficient fluorescent lights are being substituted for incandescent ones in the work areas. Even the five hot-watermakers that are stationed throughout the restaurant, giving off heat in the summer which the air conditioners must then fight to expel—one electric appliance fighting another, all the time burning OPEC oil—will be replaced with insulated water-boiling devices that will cut waste heat.

(Since not every restaurateur, shopowner, or landlord is likely to be a whiz with heat exchangers, there may exist an attractive opportunity for this city's ample supply of talented but underemployed architects to offer their services as energy-conservation engineers—once they bone up on the field. They might even base their fees on a percentage of the first year's savings.)

Volkswagen has been test-running 50 peppy diesel-powered Rabbits in the United States. In EPA tests, the cars have gotten 52 miles per gallon on the highway. An Oldsmobile V-8 diesel due out soon has been getting 25 percent better mileage than a comparable gasoline-powered car.

Honda's new five-speed Civic, priced at \$3,559, tested at 54 miles to the gallon on the highway, 41 in town. We can't take credit for inventing these little covered lawn mowers, but we are saving lots of oil buying them.

A New York-based trucking company, Branch Industries, has upped the mileage of its 72,000-pound tractor trailers by adding a wind shield that cuts down on air resistance, readjusting its engines to make them less powerful, installing disengageable fans, and switching to radial tires. The resulting 5.3 miles a gallon may not sound like much, but then you've probably never loaded your station wagon with 36 tons of groceries (or feathers, for that matter, but that's another story). The same trucks used to get 4.2 miles to the gallon, so the improvement is nearly 25 percent.

Westinghouse has "cut its energy bill \$40,000,000 by practicing what it preaches," it says. Just switching from mercury-vapor to sodium-vapor lamps—the same thing the Boca Raton condominium did, only on a much larger scale—saved \$300,000 a year.

Amana and others have come out with refrigerators that require up to 60 percent less electricity than comparable models. (Always check efficiency when buying a refrigerator. Over the long run, a small differential

in purchase price could save hundreds of dollars in operating costs.)

McGraw-Edison has introduced a pilotless gas stove, also a dishwasher with an automatic water heater that can be turned off if the water flowing into the machine from the tap is already hot enough. Many dishwasher-makers offer an energy-saver switch that cuts short the energy-intensive drying cycle, leaving normal evaporation to do the same work.

Carrier, Fedders, York, and Westinghouse are among those pushing heat pumps as alternatives to conventional heating-and-cooling systems. A heat pump works like an air conditioner, but is reversible. Your air conditioner takes heat from inside and pumps it outside. In winter, the heat pump takes heat from outside and pumps it inside. Yes, it's cold outside—but it could be a hell of a lot colder. It is from what warmth there is in the air (which may be frigid to us, but is boiling compared to absolute zero) that the heat pump takes its heat. In moderate climates, this can be very efficient. For city apartment dwellers, to whom heat is provided free, the heating feature of the heat pump would be superfluous. Landlords and homeowners, however, might be well served to investigate.

Ridgway Steel Fabricators (Ridgway, Pennsylvania 15853) has come up with fireplace units that circulate water through the andirons to save on water-heating costs. You would have to be quite the domestic pyromaniac for the savings to justify the cost—\$175 to \$885 plus installation—but it's a neat idea nonetheless. (See the October, 1976, *Popular Science* for other ideas on making fireplaces more efficient heat sources. In fact, subscribe to *Popular Science*: No magazine is doing more to encourage the application of Yankee ingenuity to energy conservation.)

A 50-horsepower sun-powered irrigation pump, which could be easily scaled up to a 200-horsepower model if this one works well, should go into operation on an Arizona ranch later this winter. It is being developed jointly by Battelle Memorial Institute and Northwestern Mutual Life (which owns the ranch).

The Saudis, meanwhile, have ordered an American-designed \$1.5-million solar-heating installation. The largest solar installation to date, it will heat 325,000 square feet of space and 36,000 gallons of water daily.

Researchers at Du Pont report that a coating of Teflon on the underside of the glass in solar collectors increases the amount of heat collected by 8 to 30 percent. The increase is particularly dramatic on hazy and cloudy days, which happens to be exactly when the improvement is needed most.

The construction industry has adopted a building code for the installation of solar water- and space-heating systems—a necessary step on the way to widespread acceptance. (Solar heating, fancy as it may sound, is really just plumbing.)

Martin Marietta successfully tested a one-megawatt power plant that runs on sunlight. It is simply a boiler filled with 200 gallons of water. But focus two thirds of an acre of sunlight on that one spot with mirrors, and within an hour the water temperature rises to 1,500 degrees Fahrenheit, building up enormous pressure that is used, as with any other steam engine, to generate power. Later this year, ten-megawatt boilers will be tested.

Not only might sunny areas (in the North as well as the South) eventually cut their fossil-fuel consumption dramatically, such power plants as these could feed electricity into the national power grid, shooting it to areas that are not so sunny.

The Department of Housing and Urban Development will be writing energy-conser-

vation standards for the next three years, reports *Business Week's* industrial edition, "that will apply to almost every new building put up in the United States after 1979, from high rises to houses. The rules could eventually help save 6 million bbl. [barrels] of oil daily"—equal to a third of our current oil consumption. "Congress has directed that HUD's standards be performance-oriented, not descriptive. This means that unlike most building-code standards, which specify materials, devices, and procedures, the HUD standards will set limits only on how a building performs from an energy standpoint. . . . How the designer meets those performance limits will be up to him and his client." It is expected that HUD will specify "energy budgets." The General Services Administration is already making budget cuts on new federal buildings—from around 95,000 BTU's per square foot a year to around 45,000. The differences in these specifications all represent energy saved.

The average Swedish house leaks only half the amount of heat leaked by its American counterpart. Thicker insulation and tighter windows and doors are now being built into many American homes. Those that are designed and sited properly take advantage of natural heat from the sun and natural insulation, like hillsides. Trees are real high-technology stuff: In the summer, their leaves block the sun's rays; in the winter, bare branches let the sun shine through.

Improved insulation and weather stripping are probably the best investments most homeowners can make. Attics are relatively easy to insulate in existing structures; a White Plains outfit, C. P. Chemical Company, has an easy way of piping insulation so it can be put into the cavities of existing walls as well. Its soapsudsy "Triopolymer" hardens within minutes. It insulates, deadens sound, and is exceptionally fire-resistant.

Johns-Manville Corporation is selling a home water-heater insulation kit for \$21 through hardware stores and building-supply outlets. It's just some insulation, tape, and tabs, but it can save up to \$50 a year in water-heating costs.

In 1975, Alcoa recycled almost a billion and a half aluminum cans, saving 95 percent of the substantial energy it would have taken to make the cans from scratch (well, from bauxite). If deposits were charged on all aluminum cans, virtually all could be recycled.

More and more, trash and "sludge" are being burned for energy. A Deere & Company factory burns twenty tons of paper, lumber, and plastic—a day—which (a) supplies energy; (b) saves having to transport it all away to a dump; and (c) keeps the dump from growing. The savings in fuel and hauling come to \$52,000 a year, on an installation (by Kelley Company, the largest supplier of trash-to-energy incinerators) that cost just \$110,000. Xerox and G.M. are among others using such systems. It's like having an oil well right on the back lot.

Conservation measures like the ones just described can save the country hundreds of billions of dollars that would otherwise go to OPEC, and save the earth vast amounts of irreplaceable fossil fuel (and prevent its attendant pollution). Those two savings alone, it seems to me, are reason enough for a wartime-like energy-conservation effort. But if we ever are going to break the hold of OPEC—not in order to return to our energy-profligate ways but to regain control of our own economy and remove the threat of ever higher OPEC "taxes" and possible world financial collapse—then the first thing any prudent strategy requires is that we drastically cut back our demand for OPEC oil.

Have you checked your thermostat lately?

THE RENAL PHYSICIANS ASSOCIATION RECOMMENDS CHANGES IN THE MEDICARE END-STAGE RENAL DISEASE PROGRAM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. VANIK. Mr. Speaker, on Thursday, February 3, Ways and Means Health Subcommittee Chairman DAN ROSTENKOWSKI and I introduced legislation to improve the operation of the Medicare end-stage renal disease program. This program—the Nation's first catastrophic health insurance program—is exceeding cost estimates and there is a desperate need for legislative amendments to maintain quality of service to kidney disease patients while achieving more effective cost controls. The bill which we have introduced today will accomplish a number of cost savings, primarily through removing obstacles to home dialysis treatment and encouraging patients to seek the lowest cost treatment.

Recently, I received a position paper from the Renal Physicians Association which supports many of the goals of our legislation. The position paper describes the need for reform in the legislation and provides a history of the program and the problems which have occurred in its administration.

The Ways and Means Health Subcommittee is planning hearings on this legislation in the near future, and, while I do not support every point in the statement, I would like to enter the document from the Renal Physicians Association in the RECORD at this point as background information for that hearing.

The position paper follows:

THE MEDICARE END STAGE RENAL DISEASE PROGRAM: A REVIEW AND RECOMMENDATIONS BY THE RENAL PHYSICIANS ASSOCIATION

SUMMARY

Passage of PL92-603, Section 2991 in November 1972 extended Medicare coverage to almost all patients with end-stage renal disease (ESRD). This program, implemented on July 1, 1973, is the first example of Federal coverage for a "catastrophic" disease. Although this is a relatively simple and well defined task, has been beset by a number of very serious administrative and bureaucratic problems, and has exceeded original cost estimates. This specific and involved therapy had been well used in prior years, but access was limited to those with funds for medical expenses. The Federal ESRD program expanded access, but this catastrophic disease is not appropriate to the Medicare framework. Gaps in coverage, very detailed regulations were cut by 79 percent during the air-conditionedness of service-cost relationship resulted in confusion, loss of established treatment patterns and economies, and thus in waste.

Treatment of endstage renal disease

Treatment of ESRD is by dialysis (artificial kidney treatment) and/or by kidney transplantation. Dialysis requires the patient be treated by connection to an artificial kidney machine for 3 to 9 hours, three times weekly. This treatment can be provided in a hospital or outpatient facility, or the pa-

tient, with assistance from a family member or other individual, may be trained to perform self-dialysis at home (home dialysis) or in an outpatient facility. Self-dialysis, especially at home, has advantages making this the preferred form of dialysis treatment where practicable, although there are differences of opinion as to the percentage of dialysis patients capable of self-dialysis. Cost of dialysis treatment is high: for the patient treated by dialysis in a facility or hospital the cost is more than \$23,000 per year; for the patient performing home dialysis the cost is \$7,000-\$14,000 per year depending upon equipment, reuse of disposables, and whether a paid helper is used. The Medicare system of payment works rather smoothly for in-center dialysis, but contains obstacles to payment for home dialysis and transplantation. Kidney transplantation involves grafting a new kidney into the patient. The grafted kidney may be obtained from a relative, in which case the operation is elective, often scheduled to avoid the need for prolonged dialysis beforehand; in other cases, the kidney must be obtained from a recently deceased donor (a cadaveric transplant), and because of a continuing shortage of such donor kidneys, largely due to public lack of understanding, patients may have to wait on dialysis for months or years before receiving a compatible cadaveric transplant. Transplant surgery usually is not technically difficult, but complex medical procedures are required to prevent rejection of the grafted kidney, and use of steroid and immunosuppressive drugs increases the risk of infection and other problems. Management of patients in the first few months post transplantation is a specialized skill requiring the facilities of a major hospital. The cost of transplantation is considerable; initial hospitalization and surgery costs at least \$10,000 to \$15,000 for a related donor transplant, and \$10,000 to \$25,000 for a cadaveric transplant; follow-up care costs several thousand dollars per year per patient thereafter for physician surveillance and medication, and may be much more in the event of complications requiring hospitalization. Although failed transplants are an expensive and painful interruption of dialysis treatment, if successful, a transplant can provide better health and lower maintenance cost than dialysis.

With implementation of PL 92-603 the number of facilities providing dialysis has expanded considerably, as has the total number of patients receiving treatment. Currently this is approximately 32,000. The estimated incidence of new patients with treatable ESRD is uncertain, but is at least 50-60 new patients per million population per year, with the incidence appreciably greater in the black population. Similarly, estimates of the total number of patients who ultimately will be receiving treatment in this program at any one time ranges from 50,000 upwards, depending upon the incidence rate, the acceptance of medically marginal patients, and the survival rate of patients treated by dialysis and transplantation. However, estimates suggest that within five years this program will cost \$1½ to \$2 billion annually.

Problems with the end-stage renal disease program

1. Congress

The amendment which introduced Medicare Coverage to patients with ESRD was passed in response to political pressures. There was minimal debate. Lack of understanding of the implications of the program led to grossly underestimated cost estimates for the program. The Federal commitment to underwrite near universal access to one expensive therapy was essentially an after-

thought, not a planned health care experiment.

Several bills, notably S. 1492 and H.R. 14804, have been introduced in the last 2 years to modify the program, and to provide some incentives for home dialysis and transplantation. S. 1492 is relatively uncontroversial. H.R. 14804, introduced following hearings in the House Ways and Means Oversight Committee in 1965, contains several sections which are found inappropriate by most renal physicians. Neither Bill has progressed as yet.

2. Department of Health, Education, and Welfare

Many of the initial problems with this program stem from the fact that passage of this legislation gave DHEW only 7 months to develop a system to implement the law, starting from scratch with no experience in this field, and with very limited staff and budget.

At that time there were already in existence many local and State programs for treatment of ESRD. These programs were often divergent in their approaches to treatment and to funding patient care, depending upon local factors.

The ignorance of DHEW was compounded by a lack of consensus in physician and other professionals' advice to DHEW. Since 1973 advice has been provided to DHEW on its Regulations by organizations such as the Renal Physicians Association and the National Kidney Foundation, and by many individual physicians and others concerned with ESRD. Nevertheless, even though their advice is solicited during the development of Regulations, there is often little evidence that it is heeded.

Rivalry between the Bureau of Health Insurance (BHI) in Baltimore and the Bureau of Quality Assurance (BQA) in Rockville as to which agency has authority over the program has been a cause of severe problems and delays in decisions from the outset. This rivalry, unhampered by authority, remains a major cause of difficulties for the program. The staff of the Bureau of Quality Assurance, in general, has appeared to lack bureaucratic clout, and since 1975 has lacked a physician with personal experience of treatment of patients with ESRD. This weakness, combined with the apparent lack of effective communication has resulted in loss of confidence in the DHEW decision making process by many renal physicians.

3. Reimbursement

Interim regulations on reimbursement were published in June, 1973, 2 days prior to implementation of the program. Reimbursement for dialysis at a facility was based on a ceiling or "screen" level, because of a supposed lack of availability of previous data.

This more likely reflected the lack of understanding of patterns of care and lack of confidence in the widely discrepant charges in the preexisting programs. Many providers saw this as a mechanism to fix rates with no basic data. The "screen" is a poor method of controlling cost as it bears no obligatory relation to the actual cost of dialysis in an outpatient nonprovider facility. There is thus a varied margin of profit for proprietary facilities performing low cost dialysis, and yet no effective mechanism for exceptions to the "screen" level for those outpatient facilities providing more expensive services such as care for less stable patients, for home dialysis training, and backup dialysis at the facility for home dialysis patients with problems. Outpatient limited care dialysis is supported better than other ESRD care.

Mechanisms to cover home dialysis costs have not yet been established except as piecemeal application of existing Medicare reimbursement. Transplant is an inpatient service and thus fell under existing policies

for actual recipient care. Complex contrivances by BHI staff covered tissue typing and donor kidney procurement costs, but left trails of paper and cost accounting nightmares in their wake.

The expected delays in implementing reimbursement through Medicare occurred, due in part to the time necessary to educate BHI and SSA staff centrally, then regionally, and eventually locally. Similarly, education of the staff of intermediaries, carriers and facilities in the billing and administrative procedures of the new program was neither quickly nor thoroughly achieved. Intermediary attitudes vary widely, and providers, at their mercy, had to instruct intermediaries and wait until BHI confirmed the instruction.

Physician reimbursement for dialysis was a source of controversy because the original intent was to include physician services in the facility charge for each dialysis. Many physicians rejected employment through the facility, so after much discussion, the Alternate Method of physician reimbursement was introduced based on a monthly fee for the total care of the patient except during hospitalization and certain specific procedures. This payment method is used by over two-thirds of nephrologists, but has the disadvantage of being in effect, a capitation fee, and of making physician reimbursement very visible to Congress and the public. The visible gross fees lead to suspicion and some open criticism without an understanding of the various specific services required for support of dialysis patients.

However, this method of physician reimbursement has the advantage of costing less overall than reimbursement on a fee for service basis. Transplant surgeons' fees were arbitrarily set at approximately 50% of the ultimately established "usual & prevailing" charges—again arbitrarily. Extended negotiation was needed to reach acceptable fees, though data on pre-'73 billings was accessible previously.

Medicare is not the appropriate vehicle for reimbursement of such a program, particularly since the Medicare legislation was written with the care of the over 65's in mind. The ESRD Program has already revealed that this creates problems in dealing with categorical diseases in younger patients. Nonetheless, BHI Staff has been relatively responsive to physicians' inquiries and comments, has made considerable effort to make the reimbursement system of the ESRD Program compatible with Medicare and yet applicable, and has developed the most knowledgeable and effective group of Federal Staff dealing with ESRD.

4. Dialysis

The present Regulations and reimbursement system contain specific obstacles to self-dialysis and discourages rehabilitation and self-sufficiency by promoting pensions followed by requirements for persisting debility. Certain costs for home dialysis patients are not covered, and a number of services that must be provided by a home dialysis program, such as home visits by staff, are not reimbursable to the facility. Legislation to remove some of these obstacles has been introduced over the last two years (S. 1492 and H.R. 14804) but not passed. Because of the benefits and economies of home dialysis and self-dialysis in a facility, these modes of care should not be discouraged. Patients should have fair access to choice of treatment with medical advice. The greater difficulty in payment for any care other than limited care, in center dialysis promotes that modality disproportionately, contributing to the unexpectedly high cost of the program.

The percentage of patients on home dialysis declined from 40% to 20% during the last 3 years, and there was simultaneously a rapid increase in outpatient limited care dialysis units throughout the country. The heavy

bureaucratic control of providers under present Regulations as compared with nonproviders—requiring close auditing, cost accounting, and detailed reporting—encouraging movement to non providers status. Presumably this was encouraged due to the potential for economy; a potential not always fulfilled.

5. Transplantation

Transplantation is the preferable form of treatment for many patients, but is hampered by a nationwide lack of cadaveric kidneys. Only a few patients have living related donors. Finding donors and obtaining viable organs from dead people requires considerable manpower and skill. Specific funding for public education is required, since almost half the population is unaware of organ donation. Because transplants require complex care indefinitely, and may fail at varying times after transplantation, transplantation coverage is needed indefinitely, rather than only for the present one year period. More direct mechanisms to cover costs of kidney procurement, tissue typing and other needed services would expedite services while increasing cost effectiveness.

6. Networks

The concept of linking together the dialysis and transplant facilities in an area as a network was developed in 1973 as a means to ensure patient access to all modalities of treatment. Networks as originally conceived were to be based on referral patterns and programs in existence at that time, and would have resulted in 92 networks throughout the country, with 10 Regional Councils and a National Council.

The decision to add medical review to network functions was made in 1974, and along with program competition and political considerations resulted in a reduction of the networks to 32, irrespective of pre-existing regional referral patterns and regional requests. At the same time the concept of Regional and National Councils was eliminated. Detailed Regulations for Networks and their Medical Review Board became effective in September 1976, but widespread concern exists among physicians that the functions prescribed will not result in a significant impact on quality of care or the cost of treatment despite expenditure of large amounts of time and money. We are creating a new bureaucracy composed of ourselves, with redundant functions, uncertain funding, and requiring additional duplication of reporting up, down, and across the system.

7. Cost Incentives and Cost Control

The ESRD program in 1976 will cost Medicare over \$600,000 for approximately 32,000 patients, and the total cost to all funding resources will be more than \$30,000 per patient this year. Consequently, cost control and cost reduction incentives are essential. Cost control by use of a ceiling or "screen" for dialysis charges has limited effect.

Total payment per dialysis is controlled, but the nonprovider may cut costs to maximize profit without assuring high quality care. No incentives are provided at present to patient, facility or physician to encourage home or self-care dialysis, reuse of dialysis materials, or other cost saving procedures. Indeed, there are obstacles to some economies. Both BHI and BQA are proposing studies in such areas, but their track record to date with such contracts and the delay in introducing such innovative ideas does not assure effective studies in a timely fashion.

8. General

General problems with the ESRD Program have been: lack of two-way flow of information between the involved professionals and governmental agencies; power plays within government and among provider groups; excessively detailed Regulations implying that nothing is believable unless

cross-checked many times; the lack of acceptance of previously established effective local and regional treatment programs; delays in reimbursement; delay in development of a National Medical Information System; delay in implementation of studies and other efforts to improve the program in the light of experience. Currently there is little confidence of physicians in the outcome of this program, which appears to be excessively expensive, highly bureaucratic and over-regulated. It began with a simplistic hope which led to placement of one specific complex therapy into a web of regulations devised for bedpans, nursing homes, and wheelchairs. Specific rules for such catastrophic disease programs might avoid much of this.

Recommendations for improvements in the ESRD program

1. Department of Health, Education, and Welfare Program Management

(A) A single agency should have direct authority for all aspects of the ESRD Program. Failing this, a means must be found to ensure close cooperation between BHI and BQA, with clearly defined lines of authority. If possible, a suitably experienced physician should have a position of authority in DHEW with the ESRD Program.

(B) A National Advisory Council should be instituted with authority to advise both the Congress and DHEW in a timely fashion, so that this billion dollar program can be brought up to the quality which is possible with key procedural and legislative changes.

(C) Increased dialogue is necessary between physicians and other ESRD providers and the controlling agency or agencies. This could result from appointment of an Advisory Council. Not only must dialogue occur, it must be seen to occur, and there must be visible evidence of response on the part of the agency or agencies to the information and advice provided. The confidence thus generated will facilitate all aspects of the program's operation.

2. Networks

(A) The Network concept should be reviewed. It is preferable at least to return to smaller networks based upon tertiary transplant and dialysis centers, with the primary role of providing documented access of each patient to all modalities of care. Under this system there would be approximately 100 networks. These could elect representatives to 10 Regional Councils. The Network Coordinating Councils could be responsible for medical review based on outcome data from the Medical Information System.

(B) Individual patient review is impracticable concurrently, and with a limited disease pattern should be adequately reviewed from the MIS unless a patient or provider comment is received. Regulations should not require review and regulation of each step in the treatment of every patient. Review based on system control rather than detail would provide adequate program information, pinpointing problems with cost saving.

(C) Many renal physicians as well as some state & Federal officials now believe that Networks are ineffective and redundant, wasting money and professional time.

3. Legislation

(A) Early legislation to remove obstacles to home dialysis and self-dialysis in facilities, and to improve and extend coverage for transplantation is essential. The three month delay in entitlement is damaging to patient care and complicates reports and systems of reimbursement. More direct means of management and payment could result in significant improvement in clinical care quality and program cost.

(B) The existing favoritism for limited care, in-center dialysis must be balanced to

assure equal access to transplantation and self-dialysis at home.

4. Experiments

Experiments with the program should be designed with input from appropriate professionals so that clear answers are definable, be promptly executed and assessed, and any justified changes put into practice early. While there is already authority for experimentation by BQA and BHI, so far there has been no evidence of effective action.

5. Regulations

Regulations for the ESRD program should be reviewed. The present Regulations are only likely to demonstrate the ineffectiveness of excessive regulation. While we hope for extensive changes in program control, operational methods and policies, removing ESRD from old Medicare regulations, it may be possible to expedite solutions to existing problems with improved regulations before new program can be legislated.

Relevance of the ESRD program to national health policies

Since its inception, the ESRD program has been held up as a prototype for future National Health Insurance. If such be the case, there are some important lessons to be learned. The specifics previously enumerated in this document indicate that specific and appropriate policies for unique types of care are not redundant, but necessary. Overall general policies should be as direct and simplistic as possible, allowing useful variations and economies to fit into the basic system.

Many of the problems which ensued when Medicare coverage was legislated for two relatively straight forward treatments for a single disease have not as yet been resolved. Based on this relevant experience with activation of the ESRD Program, an overall National Health Insurance Program using the present federal and private reimbursement systems and the present organization of DHEW would produce expensive chaos with no necessary improvement in the overall quality of care available to the American public. More appropriate might be a step-by-step approach to the extension of health care coverage.

This could take the form of "catastrophic" coverage for certain specified categorical diseases, or even the addition, one-by-one, of categorical diseases to the existing program with patterned programs sufficiently appropriate to be efficient for each. However, we strongly recommend that before any new programs are activated, a careful review of the ESRD Program to date be undertaken so that the causes of the mistakes, delays, high costs, and general dissatisfaction with the effort to date can be identified and solutions or avoidance planned.

To this end, we recommend that consideration be given to appointing a national commission to review in depth, but as quickly as possible, the entire ESRD experience, and to propose recommendations relative to the future of this important program, as well as recommendations to guide implementation of any new area of federal involvement in the health care field. Such a study, we feel confident, will support the need for reform of DHEW in order to eliminate the multiple agencies dealing with various aspects of health. In particular, it will demonstrate the need to simplify the multiple laws, Regulations and Instructions that are brought to bear on the ESRD Program, and which could hopelessly complicate the implementation of additional larger programs.

Such a study also would be likely to support reorganization on the lines suggested by Dr. Jesse Steinfeld (*Annals of Internal Medicine*, 85, 669, 1976). He recommends that a separate Department of Health be established with personnel and structure designed de novo by the executive and legislative

branches of government in cooperation with the private sector of medicine and related professions. Authorities should be strictly defined and limited. He also recommends that in Congress, a single Health Committee responsible for the Department of Health would enable development of policy and programs "with some semblance of rationality, coordination, cohesiveness, and continuity". It is also essential that experienced health professionals work within the federal government, and so salaries and personnel structure in the Department of Health must be redesigned to be competitive with the private sector, and to attract high caliber individuals.

Finally, experience with the ESRD Program clearly demonstrates the need for physicians and other professionals to develop their own system of speaking plainly and with a more united voice, if they are to play a significant role in developing plans for the future. This will necessitate cooperation among themselves, and with the government. Because of their individualist characteristics, this cooperation among physicians may be as difficult to achieve as the changes required in government. Nevertheless, it is only by such cooperation among professionals and government that long-term planning based on input from both groups can be developed. A rational and effective health policy for the country can be developed through collaboration, vision and compromise.

H.R. 2500: EMERGENCY NATURAL GAS LEGISLATION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. GRADISON. Mr. Speaker, I voted last week for H.R. 2500 emergency natural gas legislation with strong reservations. For despite the allocation powers granted the President and the allowance of emergency purchases by gas pipelines serving hardest hit areas, the bill will have little effect on this year's shortage and do nothing about next year's. The reason for its minimal impact this year is that most gas produced and stored this year has already been committed, leaving little available for purchase. In addition, the allocation powers of the President will only cause all areas of the country to share the shortage, not solve it. It is uncertain how such an allocation system would work, especially the question of adequate compensation for gas taken from one pipeline and given to another.

The House Commerce Committee almost ruined the only good provision of this bill, the emergency purchase section, by tacking on an amendment which would place a ceiling of \$2.20 per thousand cubic feet on the price a seller could receive for its gas. Such a low price would certainly deter a natural gas company from entering into a contract, eliminating this option as a means of aiding distraught areas. I was glad to see this provision eliminated in the House-Senate conference on this bill.

Finally, this bill does nothing about

the serious long-term aspect of the natural gas shortages, which will surely grow worse next winter.

The bill will not cause one extra cubic foot of gas to be produced, consciously ignoring the long-range problem while appearing to be taking action. The only possible beneficial aspect of the cold weather this winter is the opportunity it affords Congress to squarely confront the problem and take serious legislative action to solve it. The solution lies in an energy policy which will promote rather than discourage the production of domestic energy supplies. We need to deregulate natural gas in order to give producers the incentive to produce more gas by allowing a fair rate of return. I only hope Congress has the political guts to deal with the natural gas shortage now and not wait until spring when it becomes difficult to convince Congressmen that a problem really exists.

BOY SCOUTS OF AMERICA HONOR CHARLES E. GILB OF ARCADIA, CALIF.

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ROUSSELOT. Mr. Speaker, on Saturday, February 12, 1977, the San Gabriel Valley Council, Boy Scouts of America, will present their Silver Beaver Award to a most distinguished citizen of California's 26th Congressional District, the Honorable Charles E. Gilb. It is with warm feeling of esteem and enthusiastic appreciation that I pay tribute to Charley Gilb for his selfless contribution to the Boy Scouts of America and his outstanding service to our community.

The Silver Beaver Award will be given to Charles Gilb in recognition of the time, energy and dollars he has contributed to the San Gabriel Valley Council, Boy Scouts of America. He has been a member of the board of directors for 5 years; he has also been sustaining membership campaign leader for 4 years; vice president of the council for 2 years; chairman of the council annual recognition dinner in 1974; vice chairman of the 1974 Magic Carpet Night; donor of food for camp operations at Camp Cherry Valley; member of the council executive committee for 4 years; and a member of the council nominating committee.

In public service activities, Charles Gilb is presently a member of the Arcadia City Council, serving his second term. Prior to this he was elected by the people of Arcadia to serve as mayor of the city for 2 years. Charley has always participated in political activities and has worked in many campaigns in the Los Angeles area. A produce broker and distributor by profession, Charley Gilb has extended himself in an extraordinary way to include such community activities as coaching for the Little League. He

has worked for children through the City of Hope Hospital and was their Man of the Year in 1969. He is a member of the board of the Young Men's Christian Association, YMCA, a member of the Youth Commission of the City of Arcadia and a steadfast supporter of the Help Our Youth program.

Charley Gilb and his dynamic wife, Ruth, uphold the free spirit of American individualism. Each give vigorously and generously of their talents to add to the quality of their community. Mr. Speaker, I am extremely proud that I can have this opportunity to bring to the attention of my colleagues in the U.S. House of Representatives and to the American people as well some of the outstanding achievements of the Honorable Charles E. Gilb.

PARTICIPATION OF PROFESSIONAL REGISTERED NURSES

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. KEYS. Mr. Speaker, I am today introducing legislation to insure the participation of professional registered nurses in Professional Standards Review Organizations at all levels.

PSRO's were mandated by Congress in 1972 to insure the delivery of quality health care through the process of professional peer review. However, while nurses and other health providers have been subject to PSRO review, they have been excluded by law from participation in PSRO boards. At present, only physicians may serve on State, local or national councils although nurses outnumber physicians in the health care system by three to one.

The bill which I am introducing would insure active participation by registered nurses in local review boards by requiring that 30 percent of such board membership be comprised of professional registered nurses.

The legislation further provides that two PRN's would be designated by each state nurses' association to participate in the State PSRO council. At the national level, where currently 11 physicians serve on the National Standards Review Council, three PRN's would be added.

Because nurses already play an important role in collecting data and reviewing cases to assist in the enforcement of PSRO standards, it is only appropriate that they should also have a voice in establishing policy. With over 900,000 professional registered nurses engaged in active practice, nursing must be acknowledged as a vital component of the health care delivery team and be accorded the appropriate rights and responsibilities as professional practitioners within the law.

**SOLAR POWERED REFRIGERATOR
STORES VITAL MEDICINES FOR
THE PAPAGO INDIANS**

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. TEAGUE. Mr. Speaker, the National Aeronautics and Space Administration and the Energy Research and Development Administration have been working together in a number of areas to apply space technology to terrestrial energy needs. I urge my colleagues to read the following excerpts on how solar cells developed in the space program are being used to assist with the medical care of the Papago Indians in Sil Nakya, Ariz.

The 185-watt solar cell system was recently installed at Sil Nakya by NASA's Lewis Research Center, Cleveland, Ohio, in cooperation with the Papago Tribal Council and the Indian Health Service, Office of Research and Development, Office of Environmental Health.

It is one of several applications planned as part of the NASA/ERDA test and applications project to demonstrate the versatility and timeliness of photovoltaic—solar cell—power.

Sil Nakya is located on the Papago Indian Reservation in the Sonora Desert, 60 miles west of Tucson, Ariz. About 25 people live in the village which has no electricity.

Although the traditional Papago diet does not depend on foods requiring refrigeration, many of the people require medications which must be kept at low temperatures to preserve their effectiveness.

Sil Nakya villagers requiring medication previously had to travel 64 miles to and from the Indian Health Service Hospital at Sells, Ariz. The solar powered refrigerator will not only reduce the cost and hardship of obtaining these medications, but will also allow perishable foods to be kept on hand to improve villagers' diets.

The solar powered refrigerator is one of the first devices to be demonstrated under the NASA/ERDA photovoltaic test and applications project.

A standard-sized commercial camper model, the refrigerator is powered by three panels of photovoltaic cells which convert sunlight into electrical energy. During daylight hours the electricity is used to run the refrigerator and to charge conventional automobile batteries located underneath the refrigerator. Batteries power the refrigerator at night and on overcast days.

This is the second NASA/ERDA solar-powered refrigerator demonstration. Another unit was used last summer to keep perishable foods at a remote trail construction camp on Isle Royale National Park, Mich.

Lewis Research Center is responsible for the photovoltaic test and applications project, a part of the national photovoltaic conversion program directed by ERDA.

The Lewis Center has been engaged in

transferring space-related solar cell technology to terrestrial applications since 1971. This work has included raising solar cell efficiency and reducing cell and array fabrication costs as well as demonstrating solar cell systems in various applications. Although solar cell arrays are still relatively high-priced items, the total life-cycle cost today of solar cell power systems for remote locations is considerably lower in many cases than the cost of fuel and transportation for alternate power sources.

**AIR POLLUTION CONTROL: A
CAPSULE HISTORY**

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BROWN of California. Mr. Speaker, I recently reviewed a short, but informative speech on the issue of air pollution control which I believe would be of interest to every Member of this body. The speech was given by Assemblyman Victor Calvo, who is chairman of the California State Assembly Permanent Subcommittee on Air Quality, and who is in the middle of numerous air pollution controversies in California which are as complicated as those which face the Congress. In fact, it is the similarities between the problems which face the California State Legislature and the Congress which make this speech relevant to Members of Congress.

I would hope that my colleagues would consider this speech, along with other valuable information, before they vote on the perennial amendments to the Clean Air Act which are pending.

The speech follows:

ASSEMBLY, CALIFORNIA LEGISLATURE,
PERMANENT SUBCOMMITTEE ON AIR
QUALITY,

JANUARY 24, 1977.

To Members of the Legislature.
From Victor Calvo, Chairman.
Re Air Quality Issues.

The attached is a speech which I recently delivered summarizing the recent history of air pollution control in California as well as some of the more controversial issues we are facing in the coming Session.

**PUBLIC POLICY ISSUES IN AIR POLLUTION
CONTROL**

Air pollution, as created by mankind, is not a new phenomenon, but, rather, was noted by medieval English historians as an obnoxious consequence of coal burning by certain blacksmiths. Closer to home, the journals of the Spanish explorers' early visits to California contain references to the haze and smoke which frequently blocked the view of San Pedro Bay.

With the advent of the industrial revolution, the use of coal and other fuels resulted in a marked increase in air pollution. The peculiar combination of vehicular exhaust and industrial emissions we call photochemical oxidant is a modern-day phenomenon, and future historians will trace its formal discovery and, hopefully, its successful control to California. We can see clearly now that California not only discovered today's smog, but, more importantly, has led the nation in citizen concern, scientific discoveries, and governmental action.

In my career of public service, both in local government and in the Legislature, I have observed the development and refinement of governmental institutions to control air pollution, and I would like to share my thoughts on how the government and the people of California have responded to the threat of air pollution and the challenges of its control.

AIR POLLUTION CONTROL: THE EARLY YEARS

The creation of county air pollution control districts in Los Angeles and the Bay Area in the 1950's marked the beginning of air pollution control in California. In those early years, great strides were made in the control of industrial pollution sources, particularly oil refineries and petroleum storage facilities. The pioneering rules and regulations of the Los Angeles air pollution control district served as a model for industrial emission control throughout the nation. In addition, the creation in 1957 of the Bay Area Pollution Control District set the pattern nationwide for control of air pollution on a regional multi-county basis.

Although the State Legislature had authorized the creation of air pollution control districts at the county or regional level, state involvement in air pollution control was almost nonexistent until the creation of the motor vehicle pollution control board in the early 1960's. This agency was the first in the country with the authority to regulate automobile exhaust emissions from new cars and was the forerunner of the present State Air Resources Board. While the State's approach to the control of vehicular emissions was spurred by strong legislative support for a tough stand against Detroit, the lack of technical sophistication in the new agency resulted in an incremental approach to emission control, which relied more on tinkering with the engine than on seeking fundamental improvements in automotive technology. As an example of this technical weakness, the State's emphasis on control of hydrocarbon and carbon monoxide between 1966-70 resulted in dramatic increases in oxides of nitrogen (NO_x), despite the fact that the chemical role of NO_x in combustion and in the formation of oxidant was well known.

These first years established the institutional structure for air pollution control in California, whereby county or regional authorities had primary control over industrial sources of air pollution, while the State conducted the vehicular control program.

Although smog has never been an exclusively California phenomenon, the federal government did not become significantly involved in air pollution problems until the passage of Senator Muskie's Air Quality Act of 1967. The Act established the first nationwide control of vehicular emissions but California's pioneering work in the field enabled the State to successfully argue for the right to enforce its own vehicle standards. In addition, the Act provided for the development of health criteria for air quality standards but left standard-setting with state and local governments. Further, the Act provided some very limited federal oversight of state control programs, relying heavily on voluntary compliance and good faith efforts.

**THE CLEAN AIR ACT: SMOG BECOMES A NATIONAL
ISSUE**

The Federal role in air quality was greatly expanded with the passage of the 1970 Clean Air Act. Combined with the obvious shortcomings of the 1967 Act, there was a growing national environmental awareness, symbolized by Earth Day, and Congress was prodded into the passage of landmark legislation in the form of the Clean Air Act. The main provisions of this bill, in effect, reorganized and revitalized the struggle for clean air and its main provisions still govern today's control activities. They include:

(1) A tough mandate for a 90% reduction in automobile emissions. The incremental approach was abandoned. In the 1970 Act, Congress decided the emission levels which were needed to protect the public health and then dictated a timetable to Detroit. Congress' intent, which has since been diluted, clearly was to force technology and develop a clean automobile within five years. Without taking anything away from California's early leadership in this area, the 1970 Clean Air Act was a clear and significant victory for an improved environment, which greatly increased the pressure on the automobile manufacturers to improve control technology and also provided a much more stringent regulatory format for testing and monitoring new cars.

(2) The Act also required the establishment of national standards for ambient air, which were carefully defined to place exclusive emphasis upon the protection of public health from known thresholds of pollutant damage, plus a margin of safety. Compliance with these ambient standards was required within five to seven years, with no provisions for extensions in the compliance date beyond July 1, 1977.

It should be emphasized that neither economic considerations nor technological feasibility were to be considered in identifying ambient health standards but rather the Act placed exclusive emphasis on protecting all segments of the public from health damage and particularly those who have susceptibility to pollutants at small concentrations, such as chronic sufferers of respiratory diseases.

(3) Compliance or the ability to comply with the national ambient standards for each pollutant was to be demonstrated by the states in a document, to be prepared under federal guidelines, called The State Implementation Plan. If state plans, as submitted, would not achieve the ambient health standards, then Congress required the EPA to revise and enforce the state plan so as to achieve the standard on time. The Act further states that Implementation Plans must include all available measures to control air pollution, "including but not limited to land use and transportation controls."

BLUEPRINT FOR HEALTHY AIR: THE CALIFORNIA STATE IMPLEMENTATION PLAN

In California, the Implementation Plan mandated by the Clean Air Act was prepared during 1972 by combining existing stationary source emission limitations with the State's new vehicle standards. Preparation of the plan marked the beginning of an expanded state role in air pollution control, including for the first time a state role in the control of stationary sources. The Clean Air Act placed primary responsibility on the states for achieving and maintaining air quality standards and in California, promoted a slow and imperceptible shift of power from the local A.P.C.D.'s, which had previously had exclusive control over stationary sources, to the State Air Resources Board which increasingly assumed overall responsibility for air pollution policies in the state.

Nevertheless, the preparation of the implementation plan was a joint effort by the air pollution control districts and the Reagan Administration's Air Resources Board. It utilized a conservative approach and relied very heavily on technological controls. As a result, the plan was rejected by EPA, since the EPA believed health-based air quality standards would not be achieved under the State's initial plan. The EPA was then required by The Clean Air Act to develop a plan which would achieve the air quality standards in California. EPA's plan was considerably more innovative and controversial, with a greater emphasis on social controls and land use. Most of the plan, however, was never adopted. The rejection of many of the innovative proposals contained in the EPA plan forced clean

air advocates to grudgingly realize the spectre of lowered expectations with regard to achieving the air quality standards by 1977, as required by law.

Despite the failure to implement the ambitious EPA plan, the process of preparing the State Implementation Plan was the first attempt to move beyond technological controls of air pollution by directly confronting transportation and land use policy, as well as public attitudes and life styles. While this process served to help identify some of the likely costs of achieving clean air in social, political, and economic terms, it also helped identify the level of control acceptable to the general public.

ENTER THE ENERGY CRISIS

Energy, which had been an almost hidden element of public policy prior to 1973, has, in recent years, become an important factor in air pollution control. As a result, striking a balance between clean air and energy needs has become increasingly difficult and politically hazardous. Following are some examples of how the energy crisis influenced the politics of air pollution.

The NO_x retrofit program for 1966-70 cars was first suspended by the Reagan Administration in 1973 because of its impact on fuel economy. Some members of the legislature protested and environmentalists successfully sued the Air Resources Board, thus preventing the death of the program for a while, but the weakened credibility of the device program began to affect the public and opportunistic politicians and intensive media exposure blew the NO_x retrofit program into a political issue of unbelievable controversy. The pressure became so intense that the heart of the program was repealed. The issue of air pollution control, in this case, was victimized by inconclusive scientific evidence, political opportunism, fuel economy and the love of the automobile.

Another example of the increasing prominence of fuel economy in air pollution control is the case of new motor vehicle standards. Ever since 1973, with the Arab oil embargo, Congress has been bullied by the auto industry on national emission standards. The industry, with the help of the past Administration, has held fuel economy improvements in motor vehicles hostage for delays in emission standards. Despite the efforts of some representatives, Congress has delayed the federal emission standards and California has been left alone in fighting Detroit. We are hopeful that the incoming Carter Administration will be more helpful.

Here in California, in 1974 the Reagan-appointed Air Resources Board postponed the 1977 new car standards because of the threatened loss in fuel economy. This decision was soon reversed by the incoming Air Resources Board. Under Tom Quinn, the Board promptly established stringent 1977 emission standards for new cars sold in California. Despite many outrageous claims by the auto industry to the contrary, 1977 cars have met the most stringent emission standards in history and yet managed to achieve an improvement in fuel economy over the 1976 model year. In addition, the successful application of 3-way catalyst technology by Volvo suggests fuel economy improvements can be achieved as a direct result of improved emission systems.

Some control strategies, however, will clearly have a positive effect on both air quality and energy conservation. Vapor recovery during gasoline marketing operations is designed to reduce hydrocarbon emissions during gasoline delivery and vehicle refueling. In the Bay Area alone, fuel implementation of the vapor recovery program is expected to remove 32 tons per day of reactive hydrocarbons from the atmosphere. Thus, vapor recovery is a key strategy in the control of oxidant, but at the same time may also

save enough gasoline in the long run to cover the cost of the recovery systems.

Similarly, periodic inspection of motor vehicles, which may finally get underway by 1980, would also have dual benefits with respect to fuel economy and emissions control. It is essential that we do everything possible to insure proper maintenance and repair for the vehicles which are already on the road, or else the gains made from the State's new car emission standards could be lost. Improved vehicle maintenance will, of course, have a beneficial effect on vehicle fuel economy. In spite of the obvious benefits of motor vehicle inspection, the experience with the NO_x device fiasco has shaken our confidence in the public's willingness to accept individual responsibility for the maintenance and repair of their cars.

INCREASING IMPORTANCE OF STATIONARY SOURCES

One of the most important air quality trends to emerge is the changing ratio between vehicle emissions and stationary source emissions. I think we can be justifiably proud in California of the dramatic reduction in emissions from motor vehicles and take heart that our program will continue to reduce emissions. As motor vehicle emissions are being brought under control, however, the proportion of air pollution which is derived from stationary sources has increased, as has the potential for growth from industrial emissions. Consequently, the State is focusing greater attention on stationary source control problems.

This growing concern with stationary sources has been heightened by the 1975 decision of the Federal Power Commission to curtail natural gas shipments to California. The effect of the ruling has been to force industries and power plants in California to switch to fuel oil. This massive fuel switching, in addition to its financial impact, seems likely to result in dramatic increases in oxides of nitrogen, sulfur dioxide, and particulate sulfate. Despite strong efforts by the Brown Administration, it seems unlikely that this ruling will be overturned. And, barring a major breakthrough in natural gas supplies, there is little hope that the switch to fuel oil can be reversed.

Another factor which is increasingly of concern is the potential increase in stationary source emissions from oil development activities. The shipment of Alaskan crude, the development and transport of off-shore reserves, the continued importation of low-sulfur Indonesian crude, and the opening of the Elk Hills federal reserve all point to the dramatic emergence of the West Coast as the new frontier of domestic oil production. The traditional concentration of high technology industries in California, combined with excess refining capacity and excellent locations for future storage and transport facilities, all point to a critical role for California in the nation's energy policy, and also suggest the potential for an accompanying economic boom. For example, related basic industries, such as the petrochemical industry, are anxious to locate on the northeastern perimeter of the Bay Area.

Air quality is the primary environmental constraint to full development of California's energy resources, and the stakes are indeed high. The prospect of even greater health damage from ozone, sulfur dioxide, and various nitrogenous compounds is clearly unacceptable, and so alternatives and mitigation measures must be found.

In a state where unemployment levels presently hover at around 9 percent, this proposed expansion of the State's economic base would seem welcome, even with some environmental risk. However, the failure of past control policies to substantially reduce pollution levels below known thresholds of health damage, despite the legal mandate

of The Clean Air Act, raises fundamental questions about the level of new emissions which can be tolerated.

This issue has received a great deal of attention in the debate over the Air Resources Board's proposed regulations governing the expansion of existing sources and the construction of new sources. This program, which is commonly referred to as "new source review", consists of stringent regulations at the regional level which are designed to prevent net increases in the total amount of stationary source emissions. New source review constitutes a change in the traditional role of the air pollution control district because it holds up to the possibility that a facility may be denied on the grounds that it would add significant amounts of new pollutants to an already polluted region, even though that facility may be designed with better technology than existing plants and meets all existing emission control requirements.

A possible compromise being discussed would permit major industrial facilities to locate in polluted urban areas, but only if the emissions from the new facility are "offset" by more than equivalent reductions in emissions from existing stationary sources in the same area as the proposed plant. I'm sure we'll be hearing a great deal more about new source review and emission offsets in the future.

The Air Resources Board's new source review proposals and its increasing involvement in local district enforcement programs has been resisted on occasion by local governments. The State's increasing concern with stationary source issues does represent an intrusion by the State into an area which has traditionally been the providence of local government. Nevertheless, I believe that in the future there must continue to be a dual role in the stationary source program filled by both state and local governments. But I am also convinced that cooperative working relationships between the state and local governments will be developed.

I'd also like to mention two very important long-range planning efforts that are getting underway and relate directly to the "new source rule". In the urban areas, the air quality maintenance planning process is designed to manage growth and development in areas where air quality standards are exceeded and in danger of further degradation. In rural areas, air conservation plans are designed to protect clean air areas from significant deterioration of air quality.

Both of these programs involve trying to integrate air quality into the network of local government decision-making concerning industrial siting, commercial development, distribution of residential growth, etc. Through efforts of this nature, it is hoped that we will develop an implementation process for achieving clean air in the context of orderly growth and development.

EXPANDING KNOWLEDGE

At the same time that many of these new policies are being developed by government, we are expanding our scientific knowledge about air pollution. Scientific researchers working with smog chambers are identifying the role of relatively "new" pollutants that are formed hours after the initial emissions, and are working on strategies for their control. As a result of the efforts of many of the researchers who are speaking today, there is much greater knowledge of the cost of air pollution in terms of reduced yield and productivity in our agricultural areas. It is clear, however, that we are going to need more and more data on these effects on agriculture if we are going to develop the preventative control strategies necessary to avoid the kind of damage to agricultural resources which have already appeared in southern California. Of special note is the

tremendous damage that has been inflicted on the ponderosa and Jeffrey pines. Similarly, more data are coming in on human health effects. Disturbing information is beginning to appear regarding mutagenic and carcinogenic effects and the possibility that some air pollutants may have these properties and may be inflicting very severe, long-term damage to human health.

CONCLUSION

In conclusion, I'd like to comment briefly on the philosophy which I believe prevails in the Legislature relative to air pollution control. It is that the public has the right to clean, healthy air, and that the control of air pollution must involve strict controls on all emission sources. While regulations and policies must be tempered with reason and common sense, there must also be a constant effort to apply the latest advances in control technology as soon as possible. In the case of the auto industry, we have forced technological improvements which were thought impossible, even five years ago. I believe that now is the time to closely reexamine all emission sources and to emphasize the improved technology and controls that can be applied to stationary polluters. Despite the fact that California has been leading the nation in air pollution control for 20 years we cannot yet reduce the intensity of our efforts. Energy, the economy, and the proper land use planning are all extremely important and part of the overall equation, but to emphasize my point, let me use a quote by Russell Train, Administrator of the Environmental Protection Agency who said:

"If environmental disease is becoming the disease of the century as it appears to be, then environmental protection must become the most important ingredient in any national health program."

In short, when we talk about air pollution we are talking primarily about public health, and to me, there is no greater work in which we could involve ourselves.

RETIREMENT OF THOMAS H. TEAR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 31, 1977

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to thank our good friend, Tom Tear, the minority chief page, for 30 years of diligent, able, and spirited service to the House of Representatives.

Tom not only brought his rural humor to the House minority pages, but for all of us he shared some of the wisdom and experience he garnered at Eureka College, at the National Law School and while serving in the European Theater. In my many contacts with Tom, whether they involved problems on the House floor or his extracurricular activities as a devoted, charitable Shriner, I was always impressed with the warmth and sincerity he exuded in his manifold duties.

While the Members of the House will miss Tom's special qualities, I hope that his retirement proves to be as fruitful and as pleasant to Tom and Carolyn as his career. A man who has willingly and generously given so much of himself during his life's work will long remain an inspiration to us all.

YOUNG ADULT CONSERVATION CORPS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. GONZALEZ. Mr. Speaker, in the 94th Congress I was a cosponsor of legislation calling for a Young Adult Conservation Corps. This bill was passed in the House, but due to budgetary restrictions it died in the Senate. The Carter administration has indicated a strong desire to help get our young people into meaningful employment and I am again proposing a bill that I believe is a step in this direction.

To those of us who lived during the Depression of the 1930's the idea of a conservation corps is not a new one. We will remember the Civilian Conservation Corps created by President Franklin Roosevelt that employed hundreds of thousands of young men engaged in construction projects that are still used today such as Skyline Drive in Virginia. This roadway has given pleasure to hundreds of thousands of people who have had the opportunity to motor along this drive and enjoy the splendor of the fall scenery in the Virginia countryside.

The CCC, which was in existence for 4 years from 1936 to 1940, employed over 1,500,000 youths—young people who had the desire and the will to work, but could not find a job. This public project helped to instill faith and hope in these young people, many of whom are the leaders of today.

Mr. Speaker, in 1977 we have as serious a youth unemployment problem as we did in the 1930's. Chronic unemployment has now reached a rate of 30 to 40 percent among our cities' young people. These young people are an unproductive resource which should be tapped and the longer they remain idle the more dependent they become, eventually leading many to a life of crime.

We need to help these young people find meaningful jobs that will give them a sense of pride and bring them back into the mainstream of our society.

The bill I am proposing today is similar to the Youth Conservation Corps created by Congress 5 years ago to employ young people during the summer months. The corps I am proposing will employ young adults between the ages of 19 and 24 on a year-round basis, to work on jobs on public lands such as reforestation, timber stand improvement, trail and campground improvement, and insect, flood, and disease control. These young people could also work in city, county, and State projects through a provision that allows for 30 percent of the appropriations to be spent on a grants-to-States basis.

While I have faith that this bill will become a reality, I also feel that this should just be a beginning toward a more comprehensive program to help solve our youth employment problem.

There are many young people who will not be employed in this particular program simply because there are many more unemployed than there are slots

available under this proposal. Also, many young people do not have the physical capabilities to do the type of work required under the conservation corps approach. I feel we should also be considering programs to provide jobs in other fields especially in the urban areas where the majority of our employed young people live. I am sure that many would be interested in working in community services where they can assist the social agencies by lending their help to the needy who are served by these agencies. These young people who are so eager to feel a part of our society by being productive could also be of help in clinics and other medical facilities, as well as assist in day-care centers and schools.

I realize that the cost of such an expanded program is a major concern, but we must realize that we are investing in the future of our Nation.

While I strongly feel that the Young Adult Conservation Corps will get off the ground in this Congress, I also hope that we will seriously consider expanding our jobs program for our young people.

We cannot afford to waste their energy and skills; we must provide a means for our young adults to work and contribute to their communities. Let us give them an opportunity to fulfill their hopes and ambitions for a brighter future.

FINANCIAL STATEMENT OF 18TH CONGRESSIONAL CLUB

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KETCHUM. Mr. Speaker, at this time I would like to make public the financial report of the 18th Congressional Club through December of 1976. I would like to point out that this report is also submitted with my required FEC statements, and to say that the Congressional Club is in no way a "slush fund," but is instead an entity of my campaign account which is set aside for particular incidental expenses with the agreement of those who contribute to it.

The statement follows:

18th Congressional club—statement of receipts and disbursements through December 31, 1976

<i>Income</i>	
Funds on hand as of 1/1/76.....	\$ 7,431.50
Membership dues received.....	3,391.50
Total	10,823.00
<i>Expenses</i>	
Travel	1,641.43
Postage/Freight	128.24
Nuclear Forum Expenses.....	637.54
Paper/Duplicator Supplies Printing/Stationary	1,508.00
Washington Experience/Essay Contest	1,773.39
Miscellaneous	83.55
Total expenses.....	5,772.26
Balance in bank 12/31/76...	5,050.74

A copy of our report is filed with the Federal election commission and is available

for purchase from the Federal Election Commission, Washington, D.C.

CONGRESS FIRST ZERO-BASE BUDGET HEARINGS

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BAUCUS. Mr. Speaker, early next month, Congress first zero-based budget—ZBB—hearings will be held by the Subcommittee on HUD and Independent Agencies of the House Appropriations Committee.

First of all, let me explain what we are doing and why we are doing it. We are requiring the Consumer Products Safety Commission to submit its entire budget in a zero-base format similar to the format and to do indepth, ZBB analyses he was Governor of Georgia. And we are requiring the National Aeronautics and Space Administration to submit a portion of its budget in a different ZBB format and to do indepth, ZBB analyses of several of its individual programs.

The purpose of holding these hearings is to begin learning whether or not zero-based budgeting is a useful tool for the legislative branch. The hearings are also designed to show us:

First. What does preparing a ZBB submission cost an agency in terms of time and effort?

Second. Does preparing a ZBB submission help the agency, and of what use is the data in that submission to the agency?

Third. What format for ZBB submissions is most useful to Congress?

Fourth. What types of analyses done by the agency are most useful to Congress?

Fifth. What are the overall costs and benefits to the Appropriations Committee in requiring a ZBB submission and using it as the basis for appropriations decisions?

Sixth. How does ZBB use by the Appropriations Committee compare with its possible use in proposed "sunset" legislation by the authorizing committees or its use by the Budget Committee? "Sunset" laws require the periodic justification of agencies "from scratch" before allowing them to continue living. Congress needs fast and thorough answers to these questions.

Zero-base budgeting—ZBB—might help us get a handle on Federal spending. ZBB has already shown its promise as a budgeting and management tool, both in private industry and in the States, most notably in Georgia. However, the immediate imposition of ZBB on all Federal programs, either by the President or by Congress could be useless, or even counterproductive, if started without a look at carefully evaluated prior experiments. Between the promise and the payoff of ZBB lie many unanswered questions and much hard work.

At this point, most of the arguments either for or against Federal use of ZBB are either based on much smaller programs or are theoretical. This fact has led me to the same conclusion which

many of the principal analysts in the field have reached. Elmer Staats, the Comptroller General, has suggested that pilot testing could be the best approach to "resolve some of the complexities associated with the zero base approach."

And Alice Rivlin, the Director of the Congressional Budget Office, thinks that "it will not be done well if the process becomes rigid and mechanistic and if you bite off too much too soon." She thinks that starting with a few agencies could dramatize that the process really works and can simultaneously build the budgeting and analytic tools necessary to complete the job.

Peter Pyhrr, credited with initiating the ZBB concept and helping to implement it in private industry in Georgia, recommends starting with one program area or one Federal department in order to "get a very good operating feel for how the process works and see what kinds of benefits you could achieve."

The promise of zero-based budgeting is enormous, but the "state of the art" may be inadequate for immediate large-scale Federal use. This is why the Appropriations Committee has made a major investment in developing a legislative branch understanding of ZBB and the techniques for using it. As a background to the work being done in the Appropriations Committee, I would like to present a brief summary of the zero-base budget concept, a listing of the arguments for and against its widespread use in the Federal Government, and a summary of the ZBB work we have underway.

WHAT IS ZERO-BASE BUDGETING?

President Carter, who put ZBB into use in Georgia, describes it as follows:

In contrast to the traditional budgeting approach of incrementing the new on the old, zero-base budgeting demands a total rejustification of everything from zero. It means chopping up the organization into individual functions and analyzing each annually, regardless of whether it is 50 years old or a brand-new proposal for a future program.

The budget is broken into units called decision packages, prepared by managers at each level. These packages cover every existing proposed activity of each department. They include analyses of purposes, costs, measures of performance and benefits, alternative courses of action, and consequences of disapproval.

Packages are also ranked in order of priority. After several discussions between department heads and the chief executive, the rankings are finalized and packaged up to the level of affordability are approved and funded. In the case of the federal government, of course, final approval would be up to Congress.

According to Peter Pyhrr, who developed zero-base budgeting at Texas Instruments in the late 1960's, ZBB can be used by the President, Congress, and the administrative agencies. Pyhrr says:

The focus of each user is obviously different, the Legislature requiring more summarization and focusing on public priorities and objectives, the Agencies requiring more detailed information and focusing on program implementation and efficiency, and the Executive straddling the needs of Legislature and Agencies. However, regardless of specific information needs and focus, the Legislature, Executive and Agencies must all address themselves to two basic questions: (1) Are the current activities efficient and effective? (2) Should current activities be eliminated or reduced to fund higher priority

new programs or to reduce the current budget? These two questions are the focus of the zero-based budget process.

To answer these questions, Pyhrr outlines four basic steps to the zero base approach. These are:

- One, identify "decision units";
- Two, analyze each decision unit in a "decision package";
- Three, evaluate and rank all decision packages to develop the appropriations request; and
- Four, prepare the detailed operating budgets reflecting those decision packages approved in the budget appropriation.

Pyhrr defines "decision units" as the basic functions being performed by an agency. In many cases, these "decision units" may correspond to operating units of the department, but they may also be "the lowest level of the program structure—program element, activity, function." These "decision units" are built up into "decision packages" which are the building blocks of the zero-base concept. Decision packages are:

Documents that identify and describe each decision unit in such a manner that management can: First, evaluate and rank it against other decision units competing for funding; and second, decide whether to approve it or disapprove it.

The content and format of the decision package must provide management with the information it needs to evaluate each decision unit. This information might include: First, purpose/objective; second, description of actions—What are we going to do and how are we going to do it?; third, costs and benefits; fourth, workload and performance measures; fifth, alternative means of accomplishing objectives; sixth, various levels of effort—What benefits do we get for various levels of funding?

Pyhrr thinks that developing ideas for alternative ways of doing things and explaining different possible levels of effort are the two most important ZBB steps. The heart of the process is explained by Pyhrr as follows:

The identification and evaluation of different levels of effort is probably the most difficult aspect of the zero-based analysis, yet it is one of the key elements of the process. If only one level of effort were analyzed (probably reflecting the funding level desired by each manager), top management would be forced to make a yes or no decision on the funding requests, thus funding at the requested level, eliminating the program, making the arbitrary reductions, or recycling the budget process if requests exceeded funding ability.

A decision package is defined as one incremental level in a decision unit. There may be several decision packages for each decision unit. It is these incremental levels that get ranked. By identifying a minimum level of effort, plus additional increments as separate decision packages, each manager thus presents several alternatives for top management decision making.

The choices presented are to eliminate the operation—task, project, bureau, et cetera—if no decision packages are approved, to reduce the level of funding if only the minimum level decision package is approved, to maintain the same

level of effort as the agency currently performs by "piling on" another one or two incremental levels, or to increase the work done by approving additional "decision packages."

What this means is that, if properly developed, a well-defined cost and a well-defined expected benefit can be attached to several different levels of funding for each agency operation. By using this building block approach to funding and decisionmaking, you can force more explicit decisionmaking both within and across program areas.

WHAT ARE THE EXPECTED BENEFITS OF ZBB?

According to Pyhrr, we cannot realistically expect major funding reallocations among major agencies or expect a tax decrease. His four chief arguments for ZBB are:

- (1) Low-priority programs can be eliminated or reduced. How the savings are used is a completely separate question.
- (2) Program effectiveness can be dramatically improved. Such improvements may or may not have a budgetary impact.
- (3) High-impact programs can obtain increased funding by shifting resources within an agency, whereas the increased funding might not been made available had the agency merely requested an increase in total funding.
- (4) Tax increases can be retarded. The first three benefits can significantly reduce the necessity to do a more effective job with existing revenues.

And, according to President Carter, has several other attractive features. These include:

1. Focusing the management process on analysis and decision-making rather simply on numbers—in other words, the what, why and how issues as well as how much.
2. Combining planning, budgeting and operational decision-making into one process.
3. Forcing managers to evaluate in detail the cost-effectiveness of their operations. This includes specific programs—both old and new—all of which are clearly identified rather than functionally buried.
4. Providing a system to trade off between long-term and short-term needs during the budgeting period, as well as a followup tool on cost and performance during the year.
5. Allowing for quick budget adjustments or resource shifts during the year, if necessary when revenues fall short.
6. Identifying similar functions among different departments for comparison and evaluation.
7. Broadly expanding management participation and training in the planning, budgeting and decision-making process.

In a legislative context, ZBB might help Congress itself to be more efficient by focusing budget decisions. Congress could use information that lets it set priorities and allocate resources on a more rational basis. This could help make both Congress and the executive agencies more responsive to the public and increase public confidence in Congress.

ZBB is more a process and a way of thinking that it is a specific set of forms or procedures. It must be defined according to the place it is used and the way it is used. But in whatever form, its chief benefit to Congress may be in providing a uniform way of looking at budgets and making decisions about them. This in itself would be a major improvement over

the fragmented way Congress currently does business.

WHAT ARE THE ARGUMENTS AGAINST ZBB?

Just as the previously mentioned advantages of ZBB lead me to believe that it should be examined for congressional use, the following disadvantages make it clear to me that we must experiment with it carefully before proceeding to full-scale implementation.

The objections to instituting ZBB on a Government-wide scale fall into three general categories—time pressures and workload burdens, political and institutional resistance, and substantive weaknesses.

First, I shall address the time and workload problems:

First. The ZBB process is far more time consuming than traditional, incremental budget analysis and spot congressional oversight. This time burden may not be reduced with experience. ZBB might hurt, rather than help, executive planning and congressional oversight.

Second. The immediate full-scale imposition of ZBB upon the congressional review process might lead to one of three undesirable results. It could produce perfunctory, casual reviews using the superficial results of ZBB analysis or massive, too time-consuming reviews or a useless data and paper flood that is largely ignored by Congress.

Third. Full-scale ZBB analysis may be incompatible with existing congressional systems, such as the time tables set out in the new Congressional Budget Act. Only by easing into the system slowly and prototyping the materials and Congress use of them can we get the bugs out with any assurance.

The second set of problems involve political and institutional resistance to ZBB:

First. Within the agencies, there may be bureaucratic resistance to immediate, large-scale imposition of a process that is both new and much more complicated than the one that budget and program people are now used to working with.

Second. There may be bureaucratic and political resistance within the agencies to losses of program, power, or status that might follow from ZBB disclosures and decisions. Gamesmanship—for example, placing weak programs high or congressional favorites low on the priority list—by program managers may be just as easy under the ZBB process as under current decisionmaking processes.

Third. Political resistance in Congress may be just as strong. Committee chairmen may not appreciate a system that imposes a far greater workload upon them while, at the same time, reduces their flexibility. Committees now have the authority to do deeper and wider ranging program analyses, but they rarely use this authority.

Fourth. Even if ZBB is joyfully accepted, its objectives and its complicated procedures must still be fully understood by the people who implement them at the agency level and who use their results in the executive offices and in Congress. Immediate agencywide

use of ZBB could postpone this understanding until it is too late.

There are also several substantive objections to the objectives and procedures of ZBB. These include:

First. The Federal Government is not a big State government. Just scaling up ZBB from industrial or State uses is probably not sufficient—for example, Elmer Staats reports that there are over 200 programs providing funds to State and local governments for health-related activities, including over 20 each for facilities, services, mental health, and drugs. Program overlap is often inevitable given the overlapping goals of many programs.

Second. Zero-base budgeting may be more appropriate for some programs than for others. Also, the best format and procedures for ZBB may vary from agency to agency.

Third. If program objectives are not well defined, cost-effectiveness analysis is impossible. On the other hand, specifying objectives too tightly can hurt program performance and flexibility. Program evaluation, even without ZBB analysis, is extremely difficult—James Lynn, the former Director of OMB, gives as an example the evaluation of title 1 of the Elementary and Secondary Education Act. It is expected to take 7 years and cost \$7 million for the first 2 years alone.

Fourth. Defining aggregation level for ZBB review is extremely difficult. For example, Benson Simon, an analyst with the House Budget Committee, presents this problem:

Is it best to treat the budget subfunctional categories such as "Department of Defense—Military" as the aggregation level, or a component of a subfunction such as "Operation and Maintenance," or an appropriation account such as "Operation and Maintenance, Navy," or an account such as "Strategic Forces," or a subdivision of the component such as "Support Ships," etc.?

This could lead to a confusion at the Federal level between program execution and policy issues. It could force decisionmaking on minor things too high and divert Congress from the more basic budget and policy questions that are appropriate for it to handle.

These problems, while not a complete list, are the basic ones. They lead me to believe that caution, in both the legislative and executive branches, is called for. That is why I initiated the Appropriations Committee's current experiment in the congressional use of ZBB.

THE ZBB PILOT STUDY

In order to assess the usefulness of ZBB to the Appropriations Committee, we have required two agencies within the HUD and Independent Agencies Subcommittee to submit two different types of ZBB justification statements.

We chose the National Aeronautics and Space Administration—NASA—and the Consumer Product Safety Commission—CPSC—in order to work with a part of one large agency—NASA spends about \$4 billion a year—and one small agency—CPSC, spending only \$40 million a year, is small by Federal standards. NASA is 100 times as big.

This will allow us to do a broad, cross-agency analysis of CPSC, while focusing in NASA's case on a smaller piece of the agency and going into greater depth on specific issues.

THE CPSC BUDGET BOOK

The guidelines given to CPSC were general. CPSC was instructed to model its budget book after the system used by the State of Georgia and to modify that system if necessary to adapt it to the Federal Government and to the CPSC program.

In ZBB, alternative funding levels are prepared for each agency activity. CPSC used its 6 major functional areas—hazard identification, hazard strategy analysis, regulatory development, information and education, compliance and enforcement, and administration—and broke these areas of funding down into 21 subactivities. Three alternative levels of funding were prepared for each subactivity—"minimum," "current services," and "improvement" levels.

The "minimum" level is supposed to be the lowest level of funding which will still let CPSC carry out an activity in a meaningful way. The "current services" level is supposed to be a continuation of fiscal year 1977 activities at the same level. And, the "improvement" level should represent funding for planned increases in activities and positions.

We now have a draft copy of the CPSC budget submission. In general, they have used the ZBB format well and have done a good job in outlining the alternative funding levels possible for each program. However, the draft has several problems which we are trying to correct.

For example, in a true ZBB analysis, the next step after giving alternative funding levels is to rank the various tasks performed by the agency in order of priority. The CPSC commissioners chose not to complete this ranking process. We would like CPSC to indicate some of their priorities and let us know how they developed these priorities.

Another problem with their budget book is that, in over a third of the programs, CPSC set the minimum budget at the same level as their current services budget. This means they think that in over a third of their programs they cannot tolerate and funding cuts whatsoever. This seems unlikely, and CPSC has been asked to indicate the effect of small cuts in these areas, even if the effect is major.

Our remaining major problem with the CPSC budget book is its sheer bulk and difficulty to use. We have asked CPSC to improve its organization and to indicate where information has been merely repeated verbatim in the current, minimum, and improvement budgets.

In general, the CPSC submission is a good first effort. In preparing this ZBB budget book, CPSC has had the advantage of being the only agency to concurrently turn in its budget to Congress and to OMB. They also have the advantage of a headstart on the process by preparing detailed budget materials since last June and doing a complete review of the entire agency.

One disadvantage is that their internal review was prompted by serious institu-

tional problems within CPSC. Also, the "collegial" commission system under which CPSC runs does not lend itself easily to priority setting. We are hopeful that ZBB hearings will help with these problems.

THE NASA BUDGET BOOK

The NASA experimental budget book will not come to the committee until the end of this month. Therefore, this is only a description of what we expect to see.

ZBB budget books, each about 150 pages long, will be prepared for 3 of the 10 NASA centers. The centers chosen are the Marshall Space Flight Center, the Johnson Space Center, and the Kennedy Space Center.

A ZBB analysis will be done on the research and program management—R. & P.M.—account, which is basically NASA's personnel and travel budget.

Each budget book will contain an overview of the rationale for each center's programs. This will include the center's capabilities, planning assumptions, and management principles.

Each book will also contain a detailed description of activities being performed by all civil servants at the center and all support contractors paid from the R. & P.M. account. The information will be presented in "work packages" that describe the work being done and give the reasons why the work is needed.

The key to each budget book will be indepth analyses of special issues selected by our subcommittee and by NASA. Each issue paper will analyze the manpower implications of decisions made, the need for inhouse expertise to work with contracted-out projects, and the general relationship between program and personnel needs.

The issues chosen include all "new start" decisions and other major choices that the agency must make soon. These include Orbiters 4 and 5 in the Space Shuttle program, the need for more astronauts, the need for P-38 training planes, and the Space Telescope program.

Finally, the budget book for each center will include detailed explanations of the R. & P.M. costs associated with the people and programs. This will provide a budgetary background for the above questions and others.

In doing this work, NASA has the advantage of being an agency with easily definable technical goals and a long history of detailed budget and management planning. While NASA has not in the past provided priority rankings similar to those required for ZBB analysis, the preparation of this budget book should allow it to do so now.

WHAT WE HOPE TO ACCOMPLISH

We hope to analyze ZBB's usefulness to Congress and to begin finding ways to make it useful. In addition to answering the general questions about ZBB that I mentioned at the beginning of this statement, we hope to answer some more immediate and practical questions such as: Should the HUD subcommittee require a ZBB book of all its agencies next year? If so, should it be in the same format for each agency, or should we

continue to experiment with different approaches? If not, should we continue to work with one or two agencies?

We also hope to get at some of the key questions about ZBB at the Federal level such as: Can priorities be adequately developed in Federal agencies and can priority choices be made available and useful to Congress? Can agencies be required to show the effect of cuts in every area of their program, and will this display of program cuts lead to more thoughtful administrative and congressional decisionmaking?

Requiring a ZBB budget book is only the first step in answering these questions. We will need to hold hearings that explore not only the strengths and weaknesses of the budget book and its preparation, but also the strengths and weaknesses of the congressional oversight process itself.

The key question is: Exactly what result can we expect from each congressional funding decision? The question is not "what will happen to the agency," but "what will happen in the real world." If ZBB analysis works, it will help both Federal agencies and Congress to answer this question.

Right now, budget information comes to Congress in a form that studies only incremental increases in funding, not the ongoing base spending of the agency. Budget information gives no alternatives to the proposed course of agency action and it fails to set priorities among or within programs.

The value of ZBB to Congress might be to change the relationship between the agencies and the legislature. ZBB could show us not just the President's budget, but a series of choices among alternative ways of doing things and among alternative funding levels. This would be another step towards returning the budgetary initiative to Congress.

Currently, budgets are presented as final products with the invitation to take them as they are or play with them in a vacuum. It is unclear whether ZBB will improve this process but it is certainly worth the effort to find out.

If you have any questions or suggestions about our committee's ZBB experiment, please get in touch with me or my appropriations assistant, Dan Oran. The hearing on CPSC is currently scheduled for March 2 and the hearing on NASA for March 15 or 16.

ROOTS OF THE AMERICAN SYSTEM

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. McDADE. Mr. Speaker, by beginning a new special feature of carrying the thoughts of a perceptive Member of Congress on some aspect of his job, Capitol Studies, the journal of the U.S. Capitol Historical Society at 200 Maryland Avenue NE., Washington, D.C. 20515, has come to the fore as a truly important scholarly journal. The first set of

remarks in this continuing series were made by our colleague, CHARLES W. WHALEN from Ohio's Third District. Congressman WHALEN's piece, "Roots of the American System," is a timely and provocative statement on the philosophical origins and development of the American economy. Because of their importance, I insert Congressman WHALEN's remarks, in their entirety, in the CONGRESSIONAL RECORD after my remarks.

The remaining articles in this excellent volume are also well worth considering. They are: "Leadership Position-Holding in the U.S. House of Representatives," by Garrison Nelson; "The Senate and the World Court," by Herbert F. Margulies; "A Conservative Response to the Cold War," Senator James P. Kem and "Foreign Aid," by Mary W. Aywell; "The Impact of Equal-Protection Redistributing on the House of Representatives: 'A District, State and Regional Analysis,'" by Larry M. Schwab.

ROOTS OF THE AMERICAN SYSTEM

(By Charles W. Whalen, Jr.)

American life is rooted in two documents produced in 1776—The Declaration of Independence and Adam Smith's *Wealth of Nations*. To the former we owe our political philosophy and to the latter our economic system. "Life, Liberty, and the Pursuit of Happiness" has become a stock phrase in the American lexicon, and inescapable in all Bicentennial celebration orations. However, ask the man in the street to identify the term "The Invisible Hand," and he will respond with a shrug. Yet, it is this concept which undergirds our nation's free enterprise system.

In his monumental work, Smith, a Scottish philosopher, criticized state intrusion into the marketplace. In the words of Professor Paul Samuelson, Smith "raided all ancient and contemporary history for telling illustrations of the harms from well-meaning governmental regulations." In justifying a "hands-off" principle, Smith concluded that every individual is led by "an Invisible Hand to promote an end which was no part of his intention. By pursuing his own interest he frequently promotes that of society more effectually than when he really intends to promote it."

In promulgating and economic system which equates self-interest with public interest, our forebears can be given credit for bringing about in the United States the highest standard of living the world has ever known. Thanks to the profit incentive inherent in the free enterprise system, Americans, in the two hundred years since Smith published his *Wealth of Nations*, have witnessed the development of a spate of better mousetraps—the cotton gin, the steamship, power driven machinery, the railroad, household sanitation facilities, electric illumination, the telephone, the telegraph, the automobile, motion pictures, radio, television, subsonic and supersonic aircraft. Recent years have seen the harnessing of the atom and the advent of space exploration. Nevertheless these advances have not materialized without economic and social cost.

For efficient operation industry depends upon technological advances. As a result, it continually must make huge financial outlays for capital equipment. This has resulted in a concentration of economic power within our country. In 1975 a mere five hundred firms, with total sales of \$865.2 billion, accounted for 57 percent of the United States' gross national product.

The industrialization of America also has caused greater interdependence among its citizens. This growth of inter-personal re-

lationships, in turn, has created frictions within our society manifested in tensions between capital and labor, labor union officials and union members, producers and consumers, lenders and borrowers, owners and tenants, among others.

The business cycle has become a phenomenon peculiar to our industrial economy. Depression and unemployment, prosperity and inflation, have replaced drought and famine as prime concerns for policy makers. To counteract the extremes of the cycle the federal government has employed both fiscal (spending, taxing, borrowing) and monetary (regulation of the money supply) policies. (Our fiscal programs, incidentally, have been greatly influenced by the twentieth century British thinker, Lord John Maynard Keynes, whose book *The General Theory of Employment, Interest, and Money* ranks with Smith's *Wealth of Nations* in terms of its contribution to economic thought.)

The products of modern technology too often become instruments of death. Two examples should suffice. Last year, according to the Department of Transportation, there were 45,700 highway fatalities. In 1975 the National Transportation Safety Board recorded 1,469 domestic civil aviation deaths.

Both the manufacturing process, and the goods and services emerging therefrom, have taken a toll on our environment. In its 6th annual report (March 1976), the Council on Environmental Quality stated that air pollution costs the United States \$360-400 million yearly. Another source, the National Academy of Science, finds that automobile emissions cause as many as 4,000 deaths and 4 million days of illness annually. And what Northern Ohio resident will ever forget the spectacular fire in the Cuyahoga River fueled by industrial waste?

The foregoing suggests that the free enterprise system is fast becoming the victim of its own success. Indeed, it is less "free" each day. Consider the following.

First, the three basic elements of the free enterprise system have eroded through the years. While the principle of *private ownership* remains intact, high technological inspired capital demands make it difficult for new firms to enter the market. The reverse, in fact, is occurring. The "Mom and Pop" store has been replaced by the supermarket; the family-owned manufacturing plant has succumbed to corporate merger. This accumulation of the means of production among a relatively few enterprises has diminished the operation of the principle of substitutability—the ability of the consumer to pick and choose from among a large assortment of competitive items. Oligopolistic competition (which exists when the market is dominated by a few large companies) has enabled suppliers to "administer" their prices, thus inhibiting the role of *price* as a mechanism for regulating supply-demand relationships. This partially explains why, in 1975, consumer prices could rise 9.2 percent at a time when industry was functioning at only 69.7 percent of rated capacity. Similarly, the existence of escalating wage contracts also permitted average weekly salaries to rise from \$154.45 to \$163.89 last year, a 9.4 percent unemployment level notwithstanding.

Second, to ameliorate the frictions generated by our growing economic interdependence, the federal government has intervened more and more in the marketplace, implementing a succession of new "rules of the game." During the last fifteen years, the Congress has established 236 new departments, agencies, bureaus, and commissions whose principal function is to delineate and enforce norms of individual and corporate conduct.

It is clear, then, that today not one hand but two—Smith's "Invisible" one and government's "Visible" one—are guiding America's production, distribution, and consumption

activities. Recognizing this fact, what can we expect in the way of economic direction as our nation enters its third century?

First, the more costly capital equipment being spawned by each succeeding technological generation, plus the concomitant risk of losing it all on one ill-conceived purchase, will deter private investment in many potentially profitable situations. Government's entrepreneurial role, therefore, will expand both as a sole proprietor and as a partner in joint ventures. This is common practice in many European democracies, and it is not unknown in the United States. In 1933, for instance, Congress created the Tennessee Valley Authority to provide heat, light, and power to several southeastern states. COMSAT, organized in 1962, permitted both governmental and private funding. Earlier this year, Congress considered the Nuclear Fuel Assurance Act, which provides for a 60 percent government, 40 percent private ownership of a new gaseous diffusion plant for uranium enrichment.

Second, government will continue to utilize fiscal and monetary policy in an effort to stabilize the economy. Fortunately, new budgetary procedures—commenced in 1975—will enable future Congresses to make more rational fiscal decisions.

Third, global interdependence will join domestic interdependence on the economic stage. Each year the United States becomes more and more dependent upon foreign sources for scarce raw materials. Conversely, America is the principal world supplier of agricultural commodities and high technology items, many of which are produced by American-headquartered multinational corporations.

Fourth, attendant to this growth of mutual dependence will be additional governmental controls. This prophecy runs counter to the current political wisdom which cries for fewer, not more, regulations. But Congress' actions belie its rhetoric. A perusal of the legislation enacted by the Ninety-fourth Congress reveals that 107 of 420 Public Laws either invoke new, or expand existing regulations.

This conclusion was acknowledged by H. R. Sharbaugh, chairman of the Sun Company, in his address before the First Annual Management Meeting of the American Institute of Chemical Engineers. But, as Sharbaugh appropriately noted, "It is surely in the public interest that regulators understand what they are regulating." Congress must exercise more effectively its oversight responsibilities. Each regulatory agency must be subjected to periodic legislative review. Congress should seek to determine: Does the problem which the agency was commissioned to solve still exist? Is the agency actually solving the problem? Are the agency's regulations within the bounds prescribed by the legislation creating it? In solving one problem does the agency contribute to other problems?

Fifth, due to the explosion of scientific knowledge, subjects in need of regulation will become progressively more complex. This year, for example, Congress examined such esoteric topics as geothermal steam, synthetic fuels, nuclear waste, resource conservation and recovery, toxic substances, mine safety and health, forest management, energy conservation and a myriad of air and water pollution issues.

The aforementioned trends appear inevitable. A sixth, already in evidence, is the widening gulf between economic reality and our understanding of it. This gap must be narrowed to avoid harm to our society. Lack of public perception of economic truths manifests itself in two ways.

The level of economic discussion has degenerated significantly. Unable to cope with substantive questions, many voters and office-holders resort to platitudes: "we built it,

we paid for it, it's ours," or emotional accusations: "big spender," "ultra-liberal," "right-wing extremist," "McCarthyite."

Further, from time to time various attempts are made to impede economic evolution. The following are three recent examples:

A major thrust in the Ninety-third Congress was a measure which, if passed, would have limited imports and restricted capital investment abroad. Proponents of this bill defended it on the premise that it would prevent exportation of jobs. Their approach not only diluted the principle of substitutability, thereby adversely affecting consumer interests, but also, by reducing access to our domestic markets, impaired the ability of foreigners to obtain the dollars necessary to procure American exports.

The economies of scale dictate larger operating units. Breweries are a case in point. Many small breweries throughout the country have been forced to close. House Resolution 3605, approved on September 13, 1976, seeks to perpetuate the uneconomic allocation of productive resources by providing tax relief to those firms which brew two million barrels, or less, per year. This effort is bound to suffer the same fate as earlier attempts to preserve home milk deliveries through state passage of minimum price laws.

The goal of the United Auto Workers in this year's negotiations with the motor industry's Big Three is to preserve jobs. According to the October 4 issue of *Business Week*, the UAW, "basing projections on Federal Energy Administration statistics argued that while the industry's production levels in 1990 will be 47% over this year's, employment will increase only 5% because productivity will be improving." To avoid what they term "massive unemployment," UAW bargainers are demanding a shortened workweek. If successful, this effort would deny the consumer the fruits of increased productivity made possible by improved technology. More appropriate would be a management-labor undertaking, perhaps in concert with the federal government, to provide for an orderly adjustment for those affected by scientific progress.

In his memorable Yale University Commencement Address in June 1963, President John F. Kennedy warned that, in searching for sophisticated solutions to complex issues, America must move "from the reassuring repetitions of stale phrases to a new, difficult but essential confrontation with reality." What can be done to end what President Kennedy described as "the myth—persistent, persuasive, and unrealistic?" Here are four specific recommendations.

First, government leaders must assume primary responsibility for the public's economic education. As an initial step, they must eschew fable for fact. Of course, this suggestion that they "tell it like it is" may sound naive to politicians preoccupied with getting re-elected. Yet much of today's internal stress (reflected by an anti-incumbent bias) is attributable to the citizenry's inability to comprehend the social changes which engulf them. By a frank discussion and analysis of prevailing economic forces, elected officials can assuage these fears while, concurrently, establishing a less hostile political environment.

Second, the media should make a greater contribution to our nation's economic knowledge. More editorials and "thought pieces" in this area are needed. And, in an era when time is at a premium, television documentaries can present an interesting, cogent capsulization of economic issues.

Third, acceptance of rule-making bodies (and the regulations which they formulate) will be enhanced by subjecting them to frequent public scrutiny. This is why enactment of so-called "Sunshine" legislation is

important. These proposals specify periodic congressional review of each Executive branch instrumentality on a systematic basis.

The requirement that he justify to Congress the continued existence of his agency also affords the administrator or commissioner the opportunity to retain (or regain) citizen support for the organization over which he presides.

Fourth, participation in this examination process should not be confined to legislators or those subject to agency jurisdiction. Those who are the intended beneficiaries of regulatory activities must be involved in these hearings. This can best be achieved by congressional establishment of a consumer protection agency which will speak for that segment of American society which is least represented before the tribunals of government.

Any national economic dialogue, such as that just suggested, must address a fundamental question: Can our free enterprise system endure under the dual guidance of Smith's "Invisible Hand" and government's "Visible Hand"? A glimpse at America's national pastime—baseball—might provide a useful insight. At the time the first game was played on June 19, 1846, in Hoboken, New Jersey, the new sport operated under twenty rules, printed on one page, enforced by one umpire. Today the *Sporting News Rulebook* contains 109 pages, and the hundreds of regulations appearing therein are administered by a commissioner, two league presidents, and four to six umpires per contest. Despite this regulatory proliferation, baseball today is at the peak of its popularity. Exciting new techniques have evolved; individual skills have been sharpened; gate receipts are at an all-time high; player salaries, in many instances, have climbed to six figures. This success story is attributable to one characteristic common to all sports—reward (in the form of victory, players' pay, and owners' profits) is determined by performance.

The free enterprise system is predicated upon this same principle. Although government, during the past two hundred years, has instituted a plethora of regulations, the free enterprise system's "game plan" remains constant. Reward based upon contribution continues to be the central element of our economic life. Thus, Smith's self-interest, or the profit motive, propels the United States to new economic heights—a yearly gross national product figure which reached \$1.675 trillion during the second quarter of 1976; a record civilian employment level of 89,367 million, as of this August; second quarter before-tax corporation profits, annually adjusted, of \$146.2 billion (compared to 1974's previous high of 127.6 billion); a \$178.24 average weekly wage.

Could this progress have been achieved, or even exceeded, without government involvement in the marketplace? Not likely. Government's "Visible Hand" complements, not supplants, the "Invisible Hand."

SOLAR ENERGY

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WIRTH. Mr. Speaker, the current energy crisis has caused all of us to seriously consider other energy alternatives.

I wish to share with my colleagues a letter to the editor which appeared in the Denver Post on Sunday, January 16,

1977. It clearly discusses means of employing solar power to answer some of country's energy needs.

The article follows:

LONG RANGE ENERGY PLAN: SOLAR COLLECTORS IN SPACE

To the Denver Post:

The world is in the midst of an energy dilemma. We in the U.S.A. have set upon our problems with short-term expediencies and slightly obscure long-term plans.

The short-term effort appears to embrace a restraint on the use of petroleum products, with a seemingly unrestricted appetite for coal-generated electricity. But one of our problems is that fossil fuel (including coal) is predicted for near depletion sometime beyond the turn of the century. So our long-term plans, whatever, must happen post haste while we still have some fossil fuels for back-up.

I believe that two basic types of energy are required to allow mankind to continue the status quo:

1. Electricity for individual and industrial needs and to support light mobile activity such as battery operated transportation in and about cities, and—

2. A potent chemical fuel like hydrogen for use in conjunction with oxygen for higher powered mobile application, and as a total replacement for petroleum fuel and natural gas.

Oxygen is readily available in air or from water. However, and unfortunately, hydrogen is not so easily obtained from the obvious and plentiful ocean supply. This situation will continue too until a scientific breakthrough occurs. In the meantime, hydrogen is available through gasification of coal—but there goes more coal.

As for electricity, the logical source is the sun and, I believe, the harvesting of this energy should occur in space and be relayed to the earth via microwave transmission.

The mode of generation (solar to electrical) can be directly via solar cells, or indirectly by utilizing solar heat to operate Brayton or Rankine cycle systems or thermionic converters, etc.

Many people openly ridicule this space concept and say it's science fiction and that we must abandon our pursuit of space. Well, it's not science fiction and we have 20 years of space pioneering that says we can do it.

I feel intuitively that when all the trade-offs and required research are completed, the results will show this concept to be economically feasible and ecologically sound. It just means that the U.S. government will have entered the public service field to provide the individual consumer with a revenue-producing essential commodity. And in this respect, our space program to date can be credited for creating the knowledge and capability to make it happen.

There are those who may feel at first that solar energy can be utilized just as effectively by terrestrial means. Study and research will tell; however, let's review some basic facts.

1. Only about 63 per cent of available space solar energy reaches the earth's surface under ideal conditions.

2. Utilization of solar energy at the earth's surface is limited by night time, seasonal effects, rainy days and cloud cover.

3. Terrestrial solar collection stations must be many times the size of a space station to allow a major portion of the collected energy to be stored for retrieval and use at night time, during winter months, etc.

4. The storage, retrieval and conversion inefficiencies will contribute markedly toward heat problems, and heat is just the first in a long chain of adverse effects.

5. Solar energy collection is contingent upon solar ray incidence, i.e., many square miles of terrestrial collectors must be mechanized to move in unison and track the sun,

whereas in space a single relatively rigid body can be reactively controlled by pointing and station keeping.

There are many pros and cons to each concept, but it appears that the pros far overshadow the cons in the case of the space solar power station (SSPS). One big hurdle, of course, is transportation to and assembly in space, deposit into synchronous orbit and the ensuing maintenance. The upcoming space transportation system (STS) with shuttle and tug will accommodate this, especially when a plentiful and inexhaustible source of hydrogen is achieved.

There is much sophisticated work ahead before it all materializes. Cost of any system is a major factor. For instance in the case of solar cells, cost must be reduced by something approaching two orders of magnitude, with attendant improvement in efficiency and reliability. Redesign of much equipment for new application will be required, but the state-of-the-art breakthroughs are not necessarily needed—just improvements to existing technology. Hydrogen is an exception.

The SSPS must be relatively large—4 to 8 million KW each, and 20 to 40 million pounds. Eventually upwards to 10 of these stations may be required across the breadth of the U.S.A. to provide power for all corners of the nation. Each station would phase out for about one hour at midnight while shadowed by the earth; however, there need not be a power interruption inasmuch as all stations could feed into a uniform power sharing earth distribution system.

Then, Europe, Russia, Asia, Middle East, China, Africa and South America, etc., will all need their stations, too. It could become a veritable Saturn Ring, with space colonization profoundly in being.

R. M. HERMANSON,

Retired aerospace scientist with Viking program—president, Rocky Mountain Business Opportunities, Lakewood.

ATTITUDES TOWARD DISABLED PEOPLE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BRADEMAS. Mr. Speaker, there are thousands of Americans who bear a temporary or permanent disability which, for many, has blocked their rightful places in our society. The barriers confronting physically and mentally handicapped people go beyond the architectural and transportation barriers that deny handicapped individuals access to the full lives they deserve. Just as significant are the attitudinal barriers that disabled people face in employment, housing and education. We must not falter in our continuing efforts to overcome these barriers.

Let me then, Mr. Speaker, take this opportunity to call the attention of my colleagues to a forthcoming television program portraying the attitudes toward one person's disability. On February 21, an episode of the television series, "Maude," will explore the subject of personal attitudes toward handicapped people. Nanette Fabray, the talented actress who herself has a disability, will make a special appearance on this program.

This broadcast will be aired on February 21 at 9 p.m. on the CBS network.

ENERGY CONSERVATION WOULD NOT BE DIFFICULT

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. COHEN. Mr. Speaker, Sunday's Washington Post carried a front page story under a headline which should be old news by now: "United States Wastes More Energy Than Most Nations Use." Unfortunately, this winter's natural gas crisis demonstrates that the American people—and the Congress—have still not learned the lesson that the 1973 Arab oil embargo should have taught them.

Mr. Speaker, the United States cannot hope to regain the economic prosperity it once enjoyed unless steps are taken quickly to endour profligate use of precious energy supplies. We can conserve without great sacrifice. As the Post story indicated, West Germany enjoys a standard of living on a par with our own, but consumes only half as much energy per person.

Studies have shown that one of the single greatest areas of energy waste in our Nation is in the heating and cooling of private residences. Thirty-five million American homes waste the equivalent of 130 million barrels of oil annually, simply because they lack adequate insulation.

Last month, I introduced a very simple piece of legislation which I believe can dramatically reduce energy waste in American homes. My bill, H.R. 1466, would amend the Federal Tax Code to permit individuals to claim tax credit for 25 percent of the cost of installation of more effective insulation and heating equipment in existing residential structures up to a total of \$375, or \$750 in the case of a joint return.

Mr. Speaker, I do not pretend to offer this legislation as a solution to our energy problems, but I do believe this kind of simple, straightforward measure can help get Congress and the American people off dead center in facing up to the energy crisis. If we cannot enact a measure such as this, I fear we will never agree on any conservation program—a situation which can only lead to greater disasters in the future.

Thus far, more than 60 of my colleagues have joined me in cosponsoring H.R. 1466 and its identical companion bills. I urge the rest of my colleagues to read the story from yesterday's Post, which is reprinted below. And after considering the stakes, I urge you to join us in cosponsoring my conservation bill. If you have any questions concerning the legislation, please contact Tom Heyerdahl of my staff at extension 56306.

The article follows:

[From the Washington Post, Feb. 6, 1977]

UNITED STATES WASTES MORE ENERGY THAN MOST NATIONS USE: CONSERVATION WOULD NOT BE DIFFICULT

(By William Nye Curry)

Americans waste energy all the time. Lone commuters lock themselves in 3,000-pound gasoline guzzlers driving to work and back.

Precious heat seeps out of poorly insulated homes while the gas yardlamp burns all day.

A factory's boilers work up a head of steam to produce goods while a nearby electric plant does the same thing to produce electricity for the same factory.

Apartments are brightly lit, needlessly, round the clock.

Warm water is unnecessarily used for the rinse cycles of clothes washers.

Wasted energy may account for 30, or even 50, per cent of all the energy consumed in the United States. In 1975, this country wasted more fossil fuel than was used by two-thirds of the world's population, according to Denis Hayes of the Worldwatch Institute, a Washington-based nonprofit research organization.

West Germany, with a standard of living similar to ours, uses only half as much energy per person, according to the Federal Energy Administration.

"There is nothing that we do that's as efficient as it could be," FEA's John G. Muller says of a nation that prides itself on its technology, its living standard and its can-do attitude. "We could cut waste tremendously without changing the way we live. If you change, you save even more."

The watchword of President Carter's fireside remarks on energy is conservation, which itself is the most readily available source of new energy supplies because energy saved is energy produced.

Conservation means getting more out of the energy we must consume and eliminating consumption that isn't essential. Some examples: doubling up in cars or switching to mass transit, and buying leaner cars that go farther on a gallon. Generating electricity for factories with the same steam used for production. Re-insulating the house and turning off the yard-lamps (13 of them can heat two houses). Separating the electricity bill from rent, because direct payment by the tenant reduces consumption by 25 per cent. Rinsing laundry—or doing the whole wash—in cold water.

How have we become such wastrels?

"It's just been too cheap," FEA's Muller says of our once seemingly endless supply of energy.

"The United States matured in an era of abundant fuel and declining real energy prices," says Hayes. Cheap energy "was substituted for all other factors of production . . ."

"The most important variable affecting energy use and energy efficiency is the relative price of energy . . . to other resources," according to a Science magazine article that concluded that Sweden, too, has a living standard close to ours but uses far less energy.

"High national gasoline prices and/or taxes have promoted the manufacture and purchase of relatively efficient autos, notably in Western Europe, and low gasoline prices/taxes have led to large inefficient autos, notably in the United States and Canada," says the International Energy Agency.

A survey by the IEA—18 oil-consuming nations' answer to the oil producers' cartel—reported last year that, despite the price rises of recent years, the United States still has the cheapest gasoline and natural gas.

The single largest use of energy in the United States is the production of steam for industry. Muller says that for years industry enhanced profits by wasting cheap energy rather than installing generators to produce electricity with its own steam.

With our energy demand growing at 2.5 per cent a year, according to FEA's 1977 National Energy Outlook, and our dependence on foreign oil still growing, there is widespread agreement now on the need for conservation. The federal Energy Research and Development Administration has revised

its thinking to recognize the increased importance of conservation as a source of more energy.

There is disagreement, however, on how to stimulate conservation, how much energy can be saved and what impact it may have on the economy.

A Chase Manhattan Bank report says: "An analysis of the uses of energy reveals little scope for major reductions without harm to the nation's economy and its standard of living. The great bulk of energy is utilized for essential purposes . . ." Fifty per cent of U. S. energy consumption heats houses, generates steam for industry, heats industry and powers automobiles.

But in a report last year, the FEA found West Germany using far less energy to do those same things—one-fourth as much per person for transportation, one half as much for residential heating (adjusted for climate). The United States uses 40 per cent more energy for the equivalent industrial output.

The FEA concluded: "It may be possible to achieve a substantial reduction in the rate of growth of energy consumption in the United States without reducing the standard of living and economic growth."

Writing in Science magazine, University of California researchers Lee Schipper and Allan J. Lichtenberg said the primary reason Sweden burns less energy than the United States is not that it has learned to do without but that it has learned to do better. Since fuel costs more, it is used more wisely. Schipper and Lichtenberg conclude that if Americans drove lighter and more efficient cars, erected better buildings and used industrial steam more efficiently, the United States could perhaps cut energy consumption 30 per cent.

It could be cut if Americans would not throw away used motor oil rather than recycle it for lubricants, if they would not overpackage food at such a rate that production of packing increases faster than consumption of food; if gas pilot lights did not burn endlessly when most could be replaced by electrical igniters; if houses were not under-insulated; if we did not use 20 times as much electricity to produce a pound of aluminum from raw material as we would to produce a pound from recycling.

"All of us must learn to waste less energy," the President said in his fireside remarks. "There is no energy policy we can develop that would do more good than voluntary conservation."

However, in its report last year, the International Energy Association said, "The United States conservation program . . . is severely hampered by oil and gas prices controlled below world market prices and by very low taxes on all fuels."

"We've been living on our (energy) inheritance, not on our income," says FEA's conservation expert, Muller. "And we're spending it faster than we're building up our annuity. Depending on what sacrifices we make, we can reduce it any amount."

AN ANALYSIS OF THE FOURTH AMENDMENT

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. HANSEN. Mr. Speaker, as you know, I have been concerned about warrantless searches of the workplace conducted by Federal inspectors pursuant to the Occupational Safety and Health Act of 1970.

The refusal of F. G. "Bill" Barlow, president and manager of Barlow's Inc., to allow a warrantless inspection of his premises is not new in American history. Mr. Barlow's challenges to the inspection provision of OSHA are part of a larger battle that has been waged for hundreds of years by individuals against arbitrary governmental intrusion into the homes and workplaces of its citizens.

This right of an individual to be secure in his person, house, papers, and effects, against unreasonable searches and seizures is rooted in hard won experience and should not be given up lightly.

I have received from the Pacific Legal Foundation an historical analysis of the Anglo-American legal tradition concerning warrantless intrusions into the home or workplace. I think it is especially appropriate in light of Mr. Barlow's actions.

Pacific Legal Foundation is a nonprofit public interest corporation, with offices in Washington, D.C., and Sacramento, Calif., that engages in a wide spectrum of litigation and administrative hearings on national public policy issues. PLF is especially concerned about individual rights and the preservation of a free enterprise system. It believes that all factors, social, environmental, and economic should be balanced in developing public policy. PLF has participated in such significant cases as Concerned About Trident, et al. against Schlesinger; Pacific Legal Foundation against Train (Tussock Moth case); and NRDC against Morton (livestock grazing case). Most recently PLF has acted to insure a steady supply of tuna for the American consumer in its participation before the administrative hearings on the setting of a quota for the taking of porpoise incidental to fishing for tunafish.

Mr. Speaker, I would like to make available at this time a copy of the analysis by the Pacific Legal Foundation of the Fourth Amendment to our Constitution:

AN ANALYSIS BY THE PACIFIC LEGAL FOUNDATION OF THE ANGLO-AMERICAN LEGAL TRADITION TOWARD WARRANTLESS SEARCHES

During the early part of the 17th century, English courts adopted the practice of issuing general warrants. These warrants were not particular as to the persons or goods to be searched. They were used to search the papers and personal effects of all persons suspected of sedition or other offenses against the King.

Public reaction triggered by this policy, culminated in the case of *Huckle v. Money*, 95 Eng. Rep. 768 (K.B. 1763), which involved the refusal of a printer to allow the search of his premises. Chief Justice Pratt held the general warrant to be illegal:

"To enter a man's house by virtue of a nameless warrant in order to procure evidence is worse than the Spanish Inquisition, a law under which no Englishman would wish to live an hour." 95 Eng. Rep. 768 (K.B. 1763).

William Pitt, following that landmark decision, forced a bill through Parliament declaring general warrants invalid. Pitt's remarks expressed the hostility to arbitrary government that is the basis of the Fourth Amendment of the United States Constitution.

"The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It

may be frail, its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dares not cross the threshold of that ruined tenement." Thomas M. Cooley, *A Treatise on Constitutional Limitation* 611 (8th ed. 1927).

The passage of Pitt's bill did not, however, prohibit the issuance of general search warrants in the American colonies. Writs of Assistance were used in the colonies to search for smuggled goods. The reaction of the American colonists against this invasion of their liberty led to the American Revolution. In arguing against the Writs of Assistance were used in the colonies to Otis urged that these writs were

"... the worst instance of arbitrary power, the most destructive of English liberty, that was ever found in an English law book... This was a power that placed the liberty of every man in the hands of every petty officer. Anyone with this general warrant could be a tyrant and reign secure in his petty tyranny. That a man's house was his castle was one of the most essential branches of English liberty." N. Lasson, *The History and Development of the Constitution* 59 (1937).

After the American Revolution, the Fourth Amendment was added to the Constitution as a bar to unreasonable warrantless searches. See, *Chimel v. California*, 395 U.S. 752, 761 (1969). The Fourth Amendment is clear in its language:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Although many inroads into the Fourth Amendment have been attempted since the American Revolution, exceptions to the requirement for a search warrant have been strictly limited. The Supreme Court has stated:

"... [O]ne governing principle, justified by history and by current experience, has consistently been followed: except in certain carefully defined classes of cases, a search of private property without proper consent is "unreasonable" unless it has been authorized by a valid search warrant." *Camara v. Municipal Court*, 387 U.S. 523, 528-529 (1967).

In its most recent decision, the Supreme Court held a warrantless entry into petitioner's office by Internal Revenue Service agents violative of the Fourth Amendment. The federal government in this case had argued that there is a broad exception to the Fourth Amendment which allows warrantless intrusions into private property in furtherance of enforcement of the tax laws. The court rejected this argument, stating:

"We do not find in the cited materials anything approaching the clear evidence that would be required to create so great an exception to the Fourth Amendment's protections against warrantless intrusions into privacy." *G.M. Leasing Corp. v. U.S.*, 45 U.S.L.W. 4098, 4103 (U.S. Jan. 12, 1977).

A three-judge court in *Barlow's Inc. v. Usery* has held administrative inspections under OSHA to be violative of the Fourth Amendment. The District Court pinpointed the issue:

"Our only concern is the alleged affront to the Fourth Amendment. The rationale of an anonymous saying "Expediency is the argument of tyrants, it precedes the loss of every human liberty" seems of forceful application here. That the end result may be laudable and desirable does not justify the

means used to accomplish it when constitutional prohibitions are confronted." No. 1-76-3 (D. Idaho, Dec. 20, 1976).

The goal of industrial safety is important, but the means of obtaining it must be within the scope of the Constitution. Justice Brandeis warned in his dissent in *Olmstead v. United States* that it is precisely when the goals of the government are most praiseworthy, that infringements upon freedom are most possible:

"... [I]t is also immaterial that the intrusion was in aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding." 277 U.S. 438, 479 (1927).

Employees can be guaranteed a safe working environment within the framework of the Constitution, but just as employees must be kept safe from the dangers of the workplace, so the rights of all citizens must be kept safe from arbitrary government infringement through warrantless searches. Justice Brandeis said in *Olmstead* that the framers of the Constitution sought to protect our most cherished right through adoption of the Fourth Amendment.

"They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment." *Id.* at 478.

Administrative searches are equally subject to the Fourth Amendment. It would be contrary to the Anglo-American tradition if the protections of the Fourth Amendment could be lessened through administrative actions.

EXTENSION OF COUNCIL ON WAGE AND PRICE STABILITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the legislation I am introducing today would extend the life of the present Council on Wage and Price Stability through September 30, 1978. The current authorization terminates on September 30, 1977. In his Economic Message of January 31, 1977, President Carter expressed strong interest in preserving the Council as an anti-inflation unit within his administration. He also announced his intention to strengthen its capacity to monitor and analyze supply and demand trends to particular industries so that shortages and bottlenecks might be spotted earlier and preventive measures attempted sooner.

The Subcommittee on Economic Stabilization of the House Committee on Banking, Finance and Urban Affairs will hold hearings on the Council's organization, functions, and purposes, beginning

February 22, 1977. At that time we hope to learn first-hand from the President's chief economic adviser, Dr. Charles Schultze, what plans are underway to strengthen the Council on Wage and Price Stability as an anti-inflation agency and what techniques consistent with developing a sort of "early warning" system regarding wage and price conditions are under active consideration by the administration.

PRIVATE LEGISLATION FOR THE RELIEF OF ARTHUR AND HEDY DENTZ

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. OTTINGER. Mr. Speaker, as the needs of our great Nation have grown and diversified over the years, the power and jurisdiction of the Federal Government have expanded proportionally. While we must not lose sight of the capability of our Government to accomplish great common objectives, those of us who represent the people have the particular responsibility of maintaining a vigilant watch to protect our citizens from abuses of power.

Arthur and Hedy Dentz of Yonkers, N.Y., have suffered from precisely such an abuse of power, and today I am introducing private legislation on their behalf. Mr. and Mrs. Dentz are the proprietors of Festive Foods, Inc. In April 1973, the Food and Drug Administration recalled the products of Festive Foods because its supplier was found by the administration to have produced mushrooms which were contaminated by botulinum. Six months passed before the FDA had determined that Festive Foods' products were free from any contamination, but by that time the goods were no longer marketable. Six months. This negligent and undue delay resulted in a loss to the Dentz family of a sum of \$59,986.84.

I am not disputing the important responsibility of the FDA to protect the public health. However, since I first introduced this legislation in the 94th Congress, no official at the FDA has been able to justify why 6 long months were required to determine that Festive Foods' supplies were safe for consumption. The purpose of this legislation is to indemnify the Dentz family for costs resulting from the FDA's negligence and to reaffirm the Federal Government's commitment to using its enormous power responsibly, with an acute sensitivity to its impact upon individual citizens.

The bill follows:

H.R. 3220

A bill for the relief of Arthur and Hedy Dentz
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is hereby authorized and directed to pay, out of any money

in the Treasury not otherwise appropriated, to Arthur Dentz and Hedy Dentz, of Yonkers, New York, the sum of \$59,986.84. Such sum represents the loss incurred by Arthur Dentz and Hedy Dentz, as owners of Festive Foods, Incorporated, a corporation incorporated under the laws of the State of New York, as a result of the undue and negligent delay of the Food and Drug Administration in conducting an investigation following a recall of all the products of the corporation because its supplier was found by the Administration to have produced mushrooms which were contaminated by botulinum. By the time the Administration determined, following an investigation of six months, that the corporation had not received any contaminated mushrooms, the recalled products were no longer marketable due to their perishable nature.

(b) The payment of such sum shall be in full settlement of all the claims of Arthur Dentz and Hedy Dentz and Festive Foods, Incorporated, against the United States with respect to such loss.

SEC. 2. No amount in excess of 10 percent of the sum appropriated by the first section of the Act shall be paid to or received by an agent or attorney in consideration for services rendered in connection with the claim described in such section. Any violation of the provisions of this section is a misdemeanor and any person convicted thereof shall be fined not more than \$1,000.

HIGHER EDUCATION TRUST FUND ACT

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. PRITCHARD. Mr. Speaker, the Higher Education Trust Fund Act has just been introduced and I am proud to be a cosponsor of this important piece of legislation.

The bill addresses a very real problem for millions of parents; how to meet the costs of higher education. The problem is at a crisis stage for many parents, especially those in the middle-income range, who are neither wealthy enough to meet the costs themselves, nor poor enough to receive Government assistance. Annual tuition increases quickly deplete any savings earmarked for education expenses and often force students to drop out of school for a period of time, if not indefinitely. This has led to declining enrollments and some small college closings. The crisis affects public, as well as private, institutions.

The Higher Education Trust Fund Act would allow parents to establish a tax-free higher education trust fund to cover expenses incurred as a result of their children attending institutions of higher learning; including universities, colleges, and vocational training schools. Parents would be permitted to set aside up to \$750 a year in a tax free trust fund for each child, or 15 percent of their gross income, not to exceed \$7,500 a year, whichever is less. If, for any reason, the money were not used for such educational purposes, it would become taxable when withdrawn from the trust.

INAUGURAL ADDRESS OF GOV. ROMERO BARCELÓ

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. CORRADA. Mr. Speaker, on Sunday, January 2, 1977, the Honorable Carlos Romero-Barceló was inaugurated as the fifth elected Governor of Puerto Rico. His inaugural message was one which sets forth the great challenges and opportunities facing his new administration.

Because I believe his message is of interest to Members of the Congress, it is my pleasure to include it here today as an extension of my remarks:

[From the San Juan Star (Puerto Rico),
Jan. 3, 1977]

INAUGURAL ADDRESS OF GOV. ROMERO BARCELÓ

My first words on this important occasion are words of thanks, from the bottom of my heart, to my people, for the honor of being entrusted with the responsibilities that accompany the highest office in the Government of Puerto Rico. I accept that trust and that responsibility with a deep sense of humility and with a full awareness of the immense task that lies ahead. I enter upon my new duties with a fierce determination to work tirelessly to achieve to the fullest extent possible all that must be accomplished in order to bring happiness and well-being to every Puerto Rican. To that end I shall in good faith dedicate the entire force of my will. To achieve it, I need time.

The magnitude of the tasks that lie ahead would seem overwhelming, were it not for the talent and devotion to public service of the group of citizens who will be working at my side in these very difficult moments.

In taking up the responsibilities that my predecessor has passed on to me in accordance with the democratic processes which grant us distinction as a people, I shall take it upon myself as well to labor unceasingly to carry out my public pledge to combat the injustice that goes by the name of poverty, and which has been and continues to be our most profound concern. I shall renew that pledge by undertaking an unending, all-out effort to do away with the intolerable conditions in which thousands of Puerto Ricans are still forced to live.

This is the duty of each and every one of us who has been blessed with more comfortable surroundings and a more abundant opportunity to improve his or her life; to endeavor to free our neighbors from those conditions of severe hardship which condemn fellow human beings to a constant struggle for bare survival, and which reduce their day-to-day lives to a numbing routine of painful monotony and despair. To confront this pathetic panorama of inequality and injustice with empty rhetoric to the effect that the poor are to blame for their own poverty; to suggest that their misfortune is the product of their own laziness or lack of interest in self-improvement; to thus turn one's back on the problem and its possible solutions is to parrot irresponsible voices that we hear from time to time and that we must reject with a sense of intense outrage that springs from the depths of our being.

During the last three decades, Puerto Rico has made an aggressive attempt to stamp out poverty. Much has been accomplished. Recent events, however, have threatened to under-

mine or even to snuff out the irrepressible sense of optimism which had come to be so much a part of the spirit of our people. In its place has arisen a wave of anxiety and doubt, spawned by the halt in our economic progress.

This psychological uncertainty; this breakdown in the self-confidence that had always been a trait of the Puerto Rican people; this collective sense of doubt is a phenomenon far more dangerous than the apparent sum total of such individual factors as the rise in prices or the decline in each citizen's real purchasing power.

The poor, the underprivileged of Puerto Rico, feel at this moment disillusioned; and it is no wonder that they feel let down, because not only have they themselves benefited only slightly as a result of the island's progress during the past 30 years, but they now perceive economic and social advancement for themselves and their loved ones in the future.

Our people's struggle to raise their standard of living, to obtain better job opportunities and a more equitable distribution of wealth, has been a struggle carried out in a most exemplary manner; it can truly be called a peaceful revolution.

A variety of explanations have been offered to account for our ability to stage a revolution without violence. Some attribute it to a sort of universal apathy; others credit our people with an exceptional degree of political maturity; and still others suggest that the Puerto Rican is a person not easily moved to group violence.

There may be some truth to all of these explanations, but my own view is that the main reason it has been possible in Puerto Rico to stage a peaceful revolution is twofold: in the first place, our democratic institutions; and by the same token we have been able to keep alive at all times a spark of optimism kindled jointly by our collective determination and by the genuine progress achieved here during the decades we have lived through since World War II.

These decades have been the first ones in our history during which Puerto Rico's governor's have been Puerto Ricans. The first of these, Jesus T. Pinero, was also the last of our governors to be appointed by a President. Since then there have been four elected governors: Luis Munoz Marin, Roberto Sanchez Vilella, Luis A. Ferre, and Rafael Hernandez Colon. All five had the good fortune to govern a Puerto Rico which, when they first took office, was experiencing steady economic growth. This morning, however, the situation is different. This morning, for the first time ever, a Puerto Rican has taken the oath of office as Governor of this island at a moment when our people find themselves faced with a stagnant economy, and when our government finds itself hard put to keep its budget balanced.

There is a direct relationship between the halt in our forward progress and the fact that the people of Puerto Rico have begun to lose their traditional confidence in our ability to overcome whatever obstacles may block the way toward a better life for our entire population with particular emphasis on the needs of our most disadvantaged citizens. To the extent that our optimism and confidence are shaken, encouragement and strength are given to those forces which could steer our society in directions we have thus far succeeded in avoiding.

Poverty is demoralizing not only to the poor themselves, but also to the fabric of the society that tolerates its existence.

If Puerto Rico is to clear away the obstacles blocking our path toward progress; if Puerto Rico is once again to march ahead along a better pathway, with faith and confidence in its own ability and in its own resources; then

the key element in making this possible will have to be the mental attitude of our people. Because the task to be accomplished is immense.

I am firmly convinced that Puerto Rico has the resources, the talent, and the capacity to put itself back on the right track. For that reason I am very anxious to get started: to turn my conviction and my spirit and my will to the task at hand; to devote all my energy and all my strength to discharging the duties of the high office to which you have elected me.

To the young, the neglected, the handicapped, the elderly and the poor, I say: take heart, and join me in recognizing that only in unity can we hope to win our battle to overcome the entire spectrum of social and economic injustice.

But at the same time that I ask you to place your confidence in me, I must also ask you to be understanding and to be patient.

I ask you to be patient because there is simply no way to accomplish overnight the many, many things that must be done.

I ask you to be understanding because we must all recognize together that the task of economic, social, educational and moral reconstruction will necessarily take time.

I ask you to be understanding because I know that it will be impossible for each and every one of you to be in total agreement with all of the decisions I shall make. But please remember that my every decision will be made on the basis of what I firmly believe to be the fundamental best interests of the people of Puerto Rico. My first consideration and my chief consideration in making any decision will be what can most effectively serve the well-being of the Puerto Rican people. Puerto Rico, first and foremost. Puerto Rico, above all else!

In the context of the economic constraints with which we find ourselves confronted on a daily basis, any wasteful excess becomes offensive, regardless of its source.

The banker, the manufacturer, the merchant, the professional: we ask all of them to help us set a tone that is in harmony with the realities of our time. Luxurious trappings in our banking institutions, commercial establishments, and professional offices can only have the effect of overwhelming and dispiriting the humble soul who, for example, visits a bank to deposit his or her meager savings—savings accumulated with difficulty and at great personal sacrifice; and the same is true in the case of the person of modest resources who comes to the office of a professional whose services he or she urgently requires. The individual in need does not go there in search of posh surroundings. The individual in need goes there in search of sound, professional assistance. And high government officials must refrain from using the tax monies of a people of humble means to feed their own vanity or to ease their own personal psychological hangups.

For my part, I hope to be able to set an example of simplicity, moderation, and frugality which will be in keeping with the circumstances confronting Puerto Rican society today.

I trust that the examples I have cited will serve as a guide to all of those among us who may have fallen victim in one way or another to the sickness which goes by the name of runaway consumption. The fundamental moral fiber of our society—of our citizenry—is being weakened, by the absence of the self-control necessary to check our widespread tendency to spend large amounts of money on unnecessary goods. We as a people have acquired many habits and sophisticated lifestyles that exist elsewhere only in a handful of extremely prosperous societies.

Appearances are, in the final analysis, nothing more than that: mere appearances. What is important is what we are as individuals, not what we may be able to make somebody else think we are.

We Puerto Ricans are a people whose geo-

graphical and economic limitations are severe. But we are also a people of high hopes and firmness of purpose. That is the way we are, and that is the way we should be viewed by those among our fellow men who may wish to recruit us in mankind's unending struggle to build a more just, noble, and loving world.

Another trait our people have always displayed is their insistence upon honesty in their public officials.

We must at all times require absolute integrity of the men and women who serve in our government. Honesty cannot be measured in degrees. One is either honest or he is dishonest. And if there is one thing above all else in which each of you may rest absolutely assured, it is that the administration which is taking office today is going to be an honest administration.

I have asked that you be patient and understanding as we commence the task of putting our economy back on its feet. And I have stated in no uncertain terms that my government will be on watch at all times to ensure that honor and honesty prevail in the conduct of public affairs.

The way that lies ahead is filled at every turn with challenges that will severely test the collective imagination and resolve of our society.

Our course toward the future must be guided by a series of principles:

We cannot resign ourselves to lives lived at existing levels of comfort and well-being.

We cannot accept as inevitable the continued existence in our midst of poverty and ignorance, nor of the injustice and prejudice which help to perpetuate them.

We must press ahead resolutely with our fight against joblessness.

It is imperative that we render ourselves less vulnerable to the many wild price fluctuations that have been occurring in the world marketplace.

We must find ways to reduce our present near-total dependence upon off-island food sources.

The education of our children must be made to respond to our future development requirements as a people.

It is absolutely essential that we develop new, less expensive sources of energy; and while we are doing so, we must learn to conserve the costly forms of energy upon which we depend today.

At the same time, we must find ways to control our population growth without violating the rights of individuals.

It is vital that we strive to foster in Puerto Rico the development of service industries, in order that we may thereby strengthen our economy and create new job opportunities of a kind that will not endanger our fragile and very precious environment. We cannot continue—be it through carelessness or through negligence—to place in peril our green areas, our waters, our air and the natural beauty of our island.

We shall not reduce the place of our effort while there remains in Puerto Rico one child obliged to go barefoot; or one mother, or one elderly person who needs medical treatment and has nowhere to go to get it.

We cannot pause in our pursuit of a better way of life for our people so long as there remains even one student unable to receive all the education which he or she needs, wants and can absorb.

There will be no letup in our struggle while there are still people standing in lines looking for work; or while there remains so much as one family lacking the nutritious diet it needs in order to keep its members healthy and strong.

We shall not rest as long as there exists any family in Puerto Rico which lacks a decent place to call home.

The challenges are great. But no challenge is insurmountable when there is sufficient dogged determination to overcome it. And in Puerto Rico we have the human resources, the knowledge, the ability, and, above all,

the courage necessary to battle our way past any obstacle and to reach whatever goals we may set for ourselves.

For my part, I am prepared to work as long and as hard as may be necessary to bring into being the future Puerto Rico that each of us dreams of seeing. There may be others who are prepared to work for Puerto Rico as hard as I am. But harder than I? Nobody!

My friends and fellow countrymen:

A better pathway lies ahead. Let's begin our march down that pathway by recalling a phrase that gave hope to our forefathers: "The darkest hour is just before the dawn."

A LEGISLATIVE PACKAGE TO AID SENIOR CITIZENS

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. PETTIS. Mr. Speaker, there is a wise Hasidic saying that "the prosperity of a country is in accordance with its treatment of the aged." Today, I am introducing a package of legislation—three bills—to improve the treatment of our aged by removing those Federal laws that are unjust.

At present title II of the Social Security Act limits the amount of outside earnings which an individual may earn while receiving social security benefits. While we allow retired military, Federal, and other Government retirees to face no penalty against earnings subsequent to their retirement, we restrict an even greater number of citizens whose only retirement benefits are social security, from earnings more than \$3,000 in outside earnings. Social security recipients, under age 72, who earn in excess of \$3,000 per year encounter a 50-percent penalty in their benefits. Consequently, Mr. Speaker, we sadly find over half of the families with heads of households 65 and older, earning about \$5,000 per year or less.

The devastating impact of this restriction is further compounded by the current high rate of inflation.

In an effort to remedy this inequity, I am introducing a bill to remove the limitation upon the amount of outside income which an individual may earn while receiving social security benefits.

Another problem affecting many of our older Americans concerns the computation of annual income to determine a veteran's eligibility for a pension. At present public or private retirement, annuity or endowment—including monthly social security insurance benefits—are included in this computation. Whenever these people receive a much-needed cost-of-living raise in social security without a corresponding increase in the veterans outside income limitation, they are subject to reduction or loss of their pension. Imagine the added problems of being a senior citizen, on a fixed income, who has received a little social security raise to keep pace with inflation, only to find that one ray of financial hope—the difference between existence and subsistence—snuffed out by the loss of your veteran's pension.

My bill would keep that hope alive by providing that public or private retire-

ment, annuity, or endowment payments—including monthly social security insurance benefits—shall not be included in computing annual income to determine a veteran's eligibility for a pension. This measure would effectively remove the outside income limitation now set on a veteran's pension.

While both of these two measures address problems in regard to the retirement and pension areas, there is one overwhelming fact which is an integral part of many of the difficulties senior citizens face—the arbitrary selection of age 65 for retirement.

From the various studies I have read it would appear to me that selection of age 65 was never based on any careful consideration of the needs of senior citizens but on political policies and archaic customs.

If I may, Mr. Speaker, I would like to quote one such study from hearings before the House Select Committee on Aging regarding this matter:

In the 20th century retirement has been encouraged by the growth of private and public pension plans, most of which have mandatory retirement features, and by compulsory retirement ages for public service employees as established by Federal and State laws.

To the extent that historical development indicates that retirement policies and practices (an inferentially the upper age limit of the Age Discrimination in Employment Act) have been influenced more by custom, tradition, and archaic political policies rather than rational considerations, a reevaluation may be suggested with the object of establishing standards for more flexible policies on duration of work life, protection from age discrimination of workers 65 and over, and easing the shocks of withdrawal from the labor force. Available gerontological literature contains many suggestions that any deliberations on changes affecting older workers should give attention to increased life spans, individuality in the habits and attitudes of older workers, biological variations in the aging process that make it possible for some workers to remain productive long past normal retirement age, technological advances in some industries that have extended work life by making it less strenuous, trends toward an increasingly greater proportion of older people in the total population, a projected dwindling number of young and middle-aged workers to support the social security system, and contributions that those 65 and over might make to an increase in the gross national product.

Today, I am introducing legislation outlawing mandatory retirement at age 65. I am sure many will agree with Dr. Percy Fridenberg's assessment that "nothing ages you and tires you as much as inactivity, and the avoidance of rest is one of the things that enables you to go on in older age." Mr. Speaker, we owe our senior citizens that opportunity to go on.

RICHARD E. ZIMMERMAN PASSES

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BYRON. Mr. Speaker, I am very saddened to report the unexpected death of Mr. Richard E. Zimmerman, an ex-

tremely talented and capable Frederick attorney and former Member of the Maryland House of Delegates.

Dick played a prominent role in shaping the future of Frederick County through his effective representation of his clients' interests in many planning and zoning cases. He was also active and extremely influential in political and civic affairs in the Frederick area.

My heartfelt sympathies are extended to his family. They have the satisfaction of treasuring the memories of Dick's countless contributions, which will long be remembered by a community that is deeply indebted to him.

An editorial in the February 2, 1977 Frederick Post reflects on his career and I include it in the RECORD:

RICHARD E. ZIMMERMAN

Few men in the history of growth and development in Frederick County have been more controversial—or more effective and successful—than Attorney Richard E. Zimmerman.

"Dick" Zimmerman died unexpectedly late Monday night, Jan. 31. He had recently suffered a heart attack, but was showing signs of a strong recovery. He was 58.

Mr. Zimmerman, few will disagree, became a giant in matters of planning and zoning and development in this era of phenomenal growth in our county—a tumultuous period marked by explosions in population and counter-explosions fused by master plans, comprehensive plans, zoning ordinances, appeal boards, sewer and water regulations, and a proliferation of ad hoc protestations—all concerned with controlling this growth . . . or, in some cases, stopping it in its tracks.

Having armed himself with penetrating knowledge, experience and sheer political savvy, Richard Zimmerman was a man who always did his homework, who studied and knew the enemy well. He seldom backed off from a fight, always seemed to maintain the offensive, and projected such a display of stamina and total capacity for work that he was often successful in simply wearing down the opposition.

His was the side of the developer, and he did whatever he could for the developer, for his client. Mr. Zimmerman would do anything he could to win his side, and with that so-familiar basso-profundo oratorical voice he would boom out the multitude of benefits that would accrue to the community as a result of his client's investment.

The more successful he was, the more controversial he became as a public figure. Loved by some, hated by others, he was, nevertheless, respected by all for his expertise, his drive and—yes, to be sure—that unique quality he possessed to be friendly and forgiving, even "helpful" to a point, to his avowed enemies.

Though his image was one of a political king-maker and ruthless entrepreneur, at times explosive and vocal to a fault, he was, nevertheless, cautiously brilliant, always guarded and openly concerned that what he said would be misused against him or his cause. Thus, the press came to know, and his proponents and opponents as well, that his every word was weighed carefully, no matter how heated the occasion, and injected into the discourse for stereospecific reasons.

He once quipped to this column, though there was reason to consider it gospel, that "I'm better wired for sound than the Oval Room."

Mr. Zimmerman, indeed, did his homework well. A Democrat, he was equally influential in both parties in urging people to run for office, and was loyal in supporting them. Again, though strongly a Democrat, he did a lot for people in and out of the political process, to improve the government's lot and that of the local community and his state.

He was a died-in-the-wool Terrapin fan and University of Maryland supporter.

He commanded respect. Having served as a member of the Maryland House of Delegates, he knew "how to build up trading stamps . . . and he knew how to use them effectively," said one local businessman, "to get done what he had to do."

Mr. Zimmerman was recognized by many as an outstanding zoning attorney, and those who wanted their projects to succeed sought out his services and the expertise of his law firm as he and his partner of long standing, David Aldridge, recruited and shaped a strong team of brilliant young attorneys.

The years will come and go; planning and zoning will have its ups and down; the county will grow despite all forms of opposition, and through it all, there will remain the lasting influence of a dynamic man named Richard Zimmerman, a man who thrived on controversy, was loved and hated for it, and above all, was respected for his strengths.

CASEY IN COLOMBIA WITH PEACE CORPS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. McDADE. Mr. Speaker, it is all too seldom these days when we have the opportunity to read about a Government program that produces a real success story. Let me call to your attention one such case with the efforts and the activities of one of my constituents, Andy Casey.

Andy Casey is with the Peace Corps in Cartagena, Colombia, where he is carrying the banner of American good will high. As a Peace Corps volunteer he is giving his life to improving other lives through the establishment of two cooperatives in Cartagena, which are actively working to improve the economy of the city. His story is a real success story and a reminder to all of us that the Peace Corps continues to tap our great national desire to help mankind.

I commend the following article to the Members' attention and I know you will join with me in saluting the good works of an outstanding young American.

The article follows:

[From the Scranton Tribune, Dec. 3, 1976]

CASEY IN COLOMBIA WITH PEACE CORPS

CARTAGENA, COLOMBIA.—Most evenings as the sun sets, Peace Corps volunteer Andrew (Andy) Casey of Scranton, Pa., leaves his office at a local co-op and walks home along the Caribbean Sea. Behind him are the luxury high rise hotels that beckon tourists to this tropical beach resort. But Casey knows the gold coast hides the slums—the poverty and the people who are barely keeping up with spiraling costs.

Casey, 25, a 1973 business graduate of Clarion State College in Clarion, Pa., is one of six Peace Corps volunteers assigned to this historical Spanish colonial city of 270,000 that once served as a major port for shipping out the new world's gold and emeralds. The old walled city still stands with its narrow winding cobblestone streets and overhanging balconies.

Casey's Cartagena is the factory workers of the city and the farmers along the outskirts. Since he came here in January, 1975, he has worked with two cooperatives, one a credit union formed by employees of the local Coca-Cola bottling plant and the other an

agricultural co-op. Cooperatives in this developing South American republic receive a special boost from the government. Particularly among the poor and uneducated they are a means to cheaper loans, lower prices and better equipment.

The first thing Casey did when he started working for the plant workers' co-op was to analyze the accounting system and bring it up to date so that the co-op could provide more low cost loans to its members.

"It's difficult for people to get loans here from banks," says Casey. "The banks charge 20 to 24 per cent interest and you must have a bank account equivalent to more than a month's salary, so that knocks it out for most people. On the street, from loan sharks, interest may be 100 per cent."

The 200 members of the co-op, now eight years old, put in about 50 pesos (\$1.50) each month and they can borrow to pay medical bills. * * * Most of the family works to supplement the factory income."

Casey's counterpart is the co-op secretary. He has taught her several statistical methods and different ratios to use to show the liquidity of the operation.

Casey says one of his largest accomplishments is that the co-op has been able to purchase a bus. Many of the buses in Colombia are owned by cooperatives that place them in the public transportation system. "It is giving good returns and has diversified their income source," he notes. "The profits are turned back into loans for members."

For the past year, Casey also has been spending several days a week at an agricultural co-op in the country. This co-op has about 400 members, farmers who grow yucca, yami (a root), rice, corn, mangoes, bananas, oranges and a Colombian variety of plum.

"This was also set up as a credit co-op but the farmers were trying to become a production co-op in order to cut costs and increase their revenues by selling directly to consumers," he says.

The co-op, he explains, had sought a loan five years ago from Catholic Relief Services in order to buy a tractor. "A tractor cuts costs of plowing and clearing by 30 to 50 per cent," he comments. "Otherwise, they have to do everything by hand."

The relief organization turned the loan down because the books were in such disarray. Casey has instituted some new systems and recently the loan came through. With the assistance of another relief group, KASKA, the co-op purchased the tractor which it can now rent to members at low cost.

"I've learned a lot about farming here," he admits wryly. "The closest I came to farming in the United States was passing by in a car. Here we walk three or four miles to see if the land is O.K. to send in the tractor.

"The people at the co-ops don't realize what I've done," says Casey. "It is important for me that I came down here to do something. It is better for them to get the credit. * * *

"The school was 90 per cent complete but needed more money to finish two classrooms. The school means that the children won't have to spend the week living with relatives or friends in Cartagena," he notes.

"I feel good about my work in Colombia," says Casey, who refused to be discouraged by bouts with a kidney stone, a hernia, hepatitis and various intestinal infections. "I've enjoyed learning the language and living in a completely different culture.

"I've learned how nice people have it in the United States. They don't appreciate things. I've seen myself become less dependent on lights, electricity, water and cars."

Casey lived with a Colombian family for his first year, an experience he says he enjoyed very much. Now he rents a room in a local boarding house across from the beach. For entertainment, he visits with Colombian friends.

"I also keep a journal," says the thoughtful

young volunteer, his eyes reflecting the brilliance of the Caribbean sky. "From my apartment, I can listen to the waves."

Casey is the son of Dr. Adrian V. Casey of Scranton. The volunteer formerly resided at 520 Clay Ave., in Scranton. He graduated in 1969 from Scranton Central High School and attended Keystone Junior College in La Plume, Pa. Before he joined the Peace Corps, he did some volunteer work with a VISTA paint-in project in Scranton.

In Colombia, 143 Peace Corps volunteers now are working in health, education, agriculture, business and conservation programs. Around the world, nearly 6,000 volunteers and trainees are sharing their skills with the people of 65 developing countries.

The Peace Corps is part of ACTION, the federal agency for volunteer service established in July, 1971 to administer volunteer programs at home and overseas. Mike Balzane is the director of ACTION.

ACTION's domestic programs include Volunteers in Service to America (VISTA), Foster Grandparent Program, Retired Senior Volunteer Program (RSVP), Senior Companion Program and University Year for ACTION.

Persons interested in ACTION programs can call 800-424-8580 toll free for more information.

A CITIZEN'S MESSAGE TO CONGRESS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mrs. HOLT. Mr. Speaker, I have received a most interesting letter from a constituent who obviously has given a great deal of thought to the energy crisis. Because it is addressed to the whole Congress, I herewith submit it for the RECORD:

A CITIZEN'S MESSAGE TO CONGRESS

O.K., guys and gals, it's time to put the energy crisis in proper perspective and stop blaming one industry—Oil—for everything.

1. Was it the oil industry that "refused" to modernize or build new facilities? No! It was a Government embargo that held that lid on.

Without more and/or better cracking facilities, we could have a trillion gallons of crude per day and still be faced with fuel shortages.

2. Why is divestiture such a hot political issue? Simply because that is exactly what it is—A Political Issue.

I don't really know, or care at the moment, who is trying to further his or her own personal aims. All I do know is that divestiture could be one of the biggest frauds perpetuated on the American people.

In fact, if the oil industry is regulated to the point they can't develop alternate energy sources, who else will do it, or even be able to afford to try? Please don't tell me we'd have another government bureau set-up. That I couldn't take. I'd much rather use the expertise available to us in private industry.

3. Who's bright idea was it, and how long are we to tolerate the costs and unmitigated energy wastes being condoned by stores, etc. operating on a 24 hour per day, 365 days per year basis?

Have any of your bright advisors considered the fact that maybe, just maybe, if we regulated business hours we would cut down some of our energy drain? I fully realize that some businesses must remain open 24 hours a day, but to allow carte blanche operations is sheer stupidity.

4. How do you expect to "have your cake and eat it too" when it comes to the EPA?

I'm all for cleaner air, water, etc., but prob-

lems of this magnitude can't be solved in one fell swoop. After all, we sat around for years and years ignoring what was happening. Now, however, you want to perform miracles. Come on, let's start approaching these problems with a little more common sense and a little less panic. In the long run, we'll probably end up reaching our ultimate goals faster than following the current course of action.

5. Are you really concerned that the American people are not strong enough to cope with an energy crisis? Since when have they falled you?

Given the Truth and Nothing But the Truth, I believe our people can and will handle anything thrown their way—good or bad. Come on guys and gals, give them a chance. I think you'll be surprised.

I haven't meant to bore you with this dissertation, but I am trying to force you to stand up and be counted. Let's see whether political position or honest to God people representation is what you are made of. I for one hope that some of you have the guts to admit Government's part in our current energy crisis and start taking action where it is needed—not where it is politically popular to do so.

Yes, I work for the oil industry, but I think I'm sensible too. I can't imagine it was possible for us to have created all the problems we are currently being blamed for.

If we're as bad as we're made to look, are our tax dollars "dirty money" or are we just a convenient scapegoat? I opt to the latter, but I sure am tired of the role.

I challenge each of you to take a long, hard look at yourself and see just who and what you are. Maybe that kind of self analysis would do you and our country a world of good.

By the way, if something isn't done soon, I'll be just another statistic in the unemployment figures. Yep, you're right—my plant just had its natural gas cut off.

MARGARET J. CLARKE,

ODENTON, MD.

THE REGULATORY AGENCY SELF-DESTRUCT ACT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MIKVA. Mr. Speaker, Government regulation has all too often become a burden to consumers, to working men and women, to American business, and to the economy as a whole. Indiscriminate regulation has fueled inflation, stifled competition, and produced mountains of redtape. In sum, by consistently failing to take consumer, labor, and business interests adequately into account, by fostering higher prices and less competition, and by arbitrarily limiting the operation of the free enterprise system, too many regulatory agencies have poorly served the public interest in disregard of their congressional mandates.

To deal with this dilemma, I am again introducing a bill designed to assure that regulatory policies are equitably enforced and to insure that Government policies and programs benefit the public interest.

This bill calls for the abolition of 10 Federal regulatory agencies as of September 30, 1977, unless these agencies demonstrate to the Congress and the President that their activities have been in the public's best interests. In effect, the act shifts the burden of defending their performance and, more impor-

tantly, of justifying their continued existence to the regulatory agencies. The 94th Congress utilized this "self-destruct" concept when it passed the Agency for Consumer Protection Act. I think we should extend the concept to regulatory agencies currently in existence.

BILL TO ESTABLISH A COMMISSION ON POSTWAR LAND TAKINGS ON GUAM TO ADJUDICATE CERTAIN CLAIMS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. WON PAT. Mr. Speaker, on behalf of the people of Guam I am pleased to introduce a measure which is designed to achieve a long overdue settlement of all meritorious claims by those persons who were subjected to unfair real property condemnation procedures used by the U.S. Government following the recapture of Guam from the Japanese during World War II.

To this day there remain bitter allegations of unfair practices used by the agents of the United States to acquire land from the civilian population. These practices led to unreasonably low awards as "just compensation" for traditional family homesteads which were the only tangible wealth for many of the residents of Guam.

The bill I introduce today would authorize the establishment of a five-member commission under administration of the U.S. Foreign Claims Commission to review and adjudicate property owners' claims. In order to properly understand the need for such a commission, it is necessary to first look at the history of the federal administration of Guam, and the circumstances under which the land was condemned.

PREWAR GUAM

Guam was captured by the U.S. Navy during the Spanish-American War and ceded to the United States by Spain under the Treaty of Paris, signed in 1898. President McKinley immediately placed Guam under control of the U.S. Navy, and appointed a Navy officer as Governor on January 12, 1899. The people of Guam remained under a benign but autocratic Navy domination until the Japanese captured the island on December 10, 1941. For the next 3 years Guam lived under an oppressive military occupation by the Imperial Army of Japan.

The enemy occupation ended with the recapture of Guam by the U.S. Armed Forces on August 10, 1944, after nearly 3 weeks of heavy fighting. As the Japanese were pushed northward during the combat, the land area behind the lines was secured and the U.S. military started constructing fortifications and military bases in support of the war effort. As a result, family homesteads and privately owned land previously occupied by the Japanese was now occupied by U.S. troops. The entire civilian residents were moved to three or four villages.

The reoccupation of the island by the U.S. military left the war-torn Guamanians with a unique sense of gratitude to

returning American forces. Unfortunately, the military did not return the gratitude in kind, but instead used this atmosphere in which they were regarded as conquering heroes to seize large areas of the island in an arbitrary and unjust fashion. As a direct consequence of those land takings, the U.S. Government today occupies almost all of the arable land on Guam for defense bases, and its total ownership rose to 36 percent of the total available area. Since Guam is only 225 square miles in total, the Federal presence is no small matter, particularly since their holdings constitute some of our finest lands including our only fresh water reservoir, our harbor, our finest beaches, and most of the northern third of the island.

NO PROCEDURAL SAFEGUARDS

The purpose of the bill I am introducing today is not to contest the legal right of the United States to acquire most of the best land in Guam, for that right is clear. Rather, the purpose of this bill is to correct the lamentable and inexcusable manner in which the United States acquired most of the land. For years following the recapture of Guam, the negotiators violated the adherence to due process of law in the condemnation procedures, much less observed even the most rudimentary sense of fair play. The land takings were negotiated by the Navy employees, and the price to be paid for the land, if a hearing was held, was determined by the courts set up by the naval government and staffed by officers and men under Navy command. This cozy arrangement continued for 6 years. Although an independent Federal court was established in 1950, landowners on Guam were still not permitted to have fair market value determined by a jury until after 1957, when the first civil jury trial took place on Guam.

Without the traditional legal safeguards that are so taken for granted by citizens of the States of the Union, there exist opportunities for zealous agents of the United States to violate every right of the landowner in the name of "efficiency" or "national defense." Shortly after large tracts of land on Guam became occupied by U.S. military forces, their representatives began contacting landowners to initiate land acquisition. Condemnation proceedings were often announced during the first meeting between landowners and military negotiators. Landowners were told that their land had been condemned, and were induced by false promises and sometimes threats, to sign transfer papers containing a rate of compensation fixed by the military. The promises included future rights to receive land in exchange for the land being taken; some were promised the return of their land when the war ended, and assurances that the landowners would be able to purchase additional land at a reduced price from the Navy at some later date. In some instances, landowners were told that their land was going to be used for a short period of time only, and when the military no longer needed the land, they would regain possession. Of course, these promises, even those made in good faith, were never fulfilled. Thus individuals who were without counsel and who were in many instances, illiterate, signed transfer

papers fully believing they were only renting their lands or exchanging them for other land.

THREATS USED

Threats were employed if landowners refused to sign the transfer papers. Civilian landowners were threatened with losing their jobs, which, at that time, were scarce. Several landowners were presented with the "alternative" of incarceration. A Guamanian member of the naval reserve, Ciriaco C. Sanchez, was told he would be court martialed if he did not agree to the taking of his land at a fixed rate. Pascual Artero, father of the owners of record in one case, was threatened with deportation to Spain. Mr. Jose Peredo was told that if he did not sign transfer papers, his land would be taken without compensation. Mr. Peredo owned slightly more than 4 hectares of land in Barrigada, Guam, for which he was paid \$2,525 by the military on September 5, 1951. His neighbor Mr. Vincente Borja, refused to transfer his land even when threatened. This unwillingness to allow his rights to be disregarded resulted in his receiving \$90,000 in 1965 for his approximately 4 hectares.

ARTIFICIAL DEPRESSANTS ON LAND VALUES

In addition to a history of overreaching and fraudulent inducement into accepting the low condemnation awards fixed by the military, even those landowners of Guam whose land was acquired without the use of questionable tactics suffered from piteously low awards, because of the difficulty in assessing reasonable fair market values for the properties.

Historically, plots of land were often farmed by all the members of the family, and were handed down within the family during succeeding generations. When this informal transaction took place, a token price was charged. Thus, there were few "arms' length" real estate conveyances upon which the United States could base realistic appraisals. There were no civilian appraisers available to assist the landowners with estimates of fair market value that could be offered as alternatives to the values picked by the military. The military appraisers were using the 1942 tax rolls for their basis for determining fair market value. However, the whole island had been occupied by the Japanese since the beginning of the war, and prior to the war there was little activity that would establish a real estate market as we know it in the States.

Of course, the fair market value of the properties acquired by the United States immediately after the recapture of the island were artificially depressed by the postcombat conditions that prevailed. But the existence of several Navy orders created a more subtle market depressing effect which was more insidious, because it was less discernible. For example, the Navy had longstanding orders on Guam that the consent of the military Governor was necessary before land could be transferred, and that non-Guamians were prohibited from buying land on Guam or leasing land for over 5 years. Of pervasive impact in the postwar period in Guam, however, was the establishment by Executive Order No. 8683 of the Guam Island Naval Defensive Sea Area and the Guam Island

Naval Airspace Reservation in February 1941. This order allowed for the imposition of a security clearance program which prevented foreign or U.S. investors from entering Guam or conducting land development businesses on the island until August 23, 1962. Not only has no satisfactory justification ever been made for continuance of the security clearance requirement after the war, but even the legality of the security clearance requirement has been challenged by W. Scott Barrett and Walter S. Ferenz, in "Peacetime Martial Law in Guam," 48 California Law Review March 1960.

Although the proper time for appeal of these inequities has long since passed, the inequities, and the intense resentment of the tactics and valuations used by the United States, remain. Clearly, the United States is no longer legally liable for correcting the injustices that occurred so many years ago. But the moral duty to correct past unfairnesses can no longer be ignored.

This is not the first time this issue has been brought to the attention of the Federal Government. The circumstances surrounding the acquisition of privately owned land by the military were first reported in November 1949, to the House Subcommittee on Public Lands, which at that time was conducting public hearings on Guam on the proposed Organic Act. Almost all the Guamanians who presented testimonies before the subcommittee pleaded for the return of land not being fully utilized by the Federal Government. No relief, however, was forthcoming.

On January 18, 1971, the Guam Legislature adopted Resolution No. 6 "respectfully requesting and memorializing the Congress of the United States to establish a commission to reopen and reexamine the process whereby the Federal Government obtained title to one-third of the Territory of Guam with a view to determine whether the people whose land was so acquired were properly compensated for their loss."

A subsequent Resolution No. 53 of the 11th Guam Legislature adopted April 5, 1971, created a Special Committee on Federal Problems. The committee established an office in Agaña for the purpose of conducting an investigation into the conditions surrounding the original condemnation and taking of nearly one-third of the island by the U.S. Government through the agency of the Department of the Navy.

The fruit of this investigation, presented in a committee report entitled "Postwar Land Takings on Guam," was the first systematic and organized attempt to document what had been long known to citizens of Guam and outside observers: That grave inequities had been visited upon a large number of Guamanian landholders as a result of inadequate and arbitrary legal procedures and evaluation practices followed by the U.S. Government. Over 200 former landowners or their lineal descendants were interviewed, and their testimony provided ample and dramatic proof of the many instances of injustice that had occurred.

With the findings of the report, I then served as Guam's Representative in Washington, pressed for introduction

during the 92d Congress of a bill, H.R. 5440, which sought to provide a judicial review for the affected former landowners. On September 14, 1972, the House Subcommittee on Territorial and Insular Affairs, chaired by Congressman PHILLIP BURTON, held preliminary hearings on the bill. Representing the citizens of Guam were myself, accompanied by then Senators Joaquin Perez and Pedro Perez, of the 11th Guam Legislature, and Mr. B. J. Bordallo, a landowner, who appeared as a private citizen.

The sympathy and understanding of the members of the subcommittee were clearly apparent during the hearings, but it was concluded that further documentation and statistical analysis would be desirable. The bill reposed in the subcommittee without further action during the 92d Congress.

During the past two Congresses, as a Member of Congress representing Guam, I introduced legislation which would have attempted a remedy for these past wrongs by means of creating a cause of action in the District Court of Guam for those contesting the fairness of the real property settlements by the Federal Government. Thanks to the understanding and generosity of Representative PHILLIP BURTON, then chairman of the House Subcommittee on Territorial Affairs, I was able to chair a field hearing in Guam on this legislation in April of 1974.

After much discussion with my constituents, my distinguished colleagues, and the administration, several serious drawbacks appeared in attempts to use the district court as the forum for adjudicating the many claims of injustice. The volume of the claims, numbering at least 200, would have swamped the docket of the District Court of Guam. Claimants faced the prospect of being involved in many years of wasteful litigation. Moreover, there was concern that much of the revised condemnation awards would be lost to attorneys' fees. Also, there were serious technical difficulties with the bills, such as the problem of evidence. As many of the primary parties to the original transactions would be unavailable to serve as witnesses, some degree of relaxation of the Federal rules of evidence would have been necessary to allow hearsay to be admitted during the proceedings.

In light of the above disadvantages of trying to address the wrongs in U.S. condemnations in the postwar period by using the elaborate mechanism of the District Court of Guam, it is clear that a superior solution would be the adjudication of the claims by a commission, which could make use of all available evidence in reaching its determinations. Moreover, the relative informality of a commission format would reduce the need for large attorneys' fees.

The measure I am introducing today would establish a Commission on Postwar Land Takings on Guam, which would adjudicate all claims arising from the acquisition of land by the United States on Guam between July 21, 1944, and August 23, 1963, the first anniversary of the expiration of the controversial "security clearance" requirement. The Commission shall be composed of five members, and shall be placed under the control and direction of the Chairman

of the Foreign Claims Settlement Commission of the United States. Two of the members of the Commission shall be appointed from among individuals nominated by the Governor of Guam.

The Commission on Postwar Land Takings on Guam shall thoroughly review all claims and determine amounts of compensation where required. If dissatisfied with the result of the Commission's initial determination, the claimants shall be entitled to a hearing before the Commission or its representatives, at which all available evidence relating to the claim will be heard. If desired, an attorney may assist the claimant during the hearing.

Upon such hearing, the Commission will make a final determination with respect to the claim. This determination of the merits of the claim shall be final and conclusive, and shall not be subject to review by any agency of the United States or any court, thus not crowding the docket of the District Court of Guam.

I am confident that the legislation I am introducing today establishes the fairest and most efficient means of evaluating each claim and reaching a final determination in a reasonable period of time. I urge the support of all my distinguished colleagues for this important attempt to rectify the past injustices wrought by the United States.

TRIBUTE TO TONY MESA

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. SEBELIUS. Mr. Speaker, each time I hear someone say, "One person can't make a difference," I think of Tony Mesa of Garden City, Kans. who proved that one man can.

Tony was born in Mexico and moved to Garden City when he was just 4 years old. He spend his childhood during times which were not friendly for immigrant workers.

When World War II came, Tony proudly served his country and like most veterans returned with the idea that the world would be a better place for everyone. However, he found that nothing much had changed on the home front, the old prejudices were still there.

Not one to sit idly by, Tony set out to change everything he could by winning the respect of his fellow Kansans. He worked hard in community affairs, raised a family of eight children and slowly broke down the barriers for Mexican-Americans.

Tony worked within the system and became active in political affairs, locally and nationally. He started at the grassroots and became a precinct committeeman. Then in 1972, he was a Presidential Elector and last year was a delegate to the GOP National Convention.

Tony died recently and those who knew him have suffered a great loss. However, Tony left a great legacy which I hope will be an inspiration to us all.

His home town newspaper, the Garden City Telegram, honored him in an edi-

torial and a special column which I would like to share with my colleagues:

TONY MESA

The Kansas state motto, *ad astra per aspera*, would be a fitting epitaph for Tony Mesa, a man who knew the meaning of adversity.

He earned success the hard way, overcoming deprivation and prejudice as a young man to make a name for himself in the community that was his home for 56 years.

Success in the dog-eat-dog business world was an achievement in itself for the one-time alien sugar beet worker, but Mesa was prouder of his success in the field of human rights.

He championed the cause of his people and helped break down segregation barriers in Garden City.

Mesa and other returning Mexican-American veterans of World War 2 were dismayed to see that nothing had changed in Garden City. Mexican-Americans still weren't allowed in some restaurants, they still couldn't swim in the city's pool, and they were still humiliated by segregation in the local theater. Mesa helped form the Latin-American Club in 1946 with the avowed purpose of changing things in Garden City.

Mesa and his club members took the problems of Mexican-Americans to local businessmen, the city commission and theater management. They succeeded in getting the barriers dropped.

But the battle wasn't over. Discrimination in employment, housing and education, however subtle, persisted and Mesa always managed to be in the forefront in seeking improved conditions for Mexican-Americans and other minorities.

Mesa will be remembered for his tireless crusade to make life better for his fellow Mexican-Americans. But it should not be forgotten that his effort fostered better understanding and made the community a better place to live for all the people.

THE DISTAFF SIDE

(By d. h.)

The United States of America lost a great citizen last week.

Tony Mesa, who was not born in this country, was acutely aware of the rights and privileges and the duties and responsibilities of a U.S. citizen, and his actions reflected this awareness.

Last August, Tony was a delegate to the Republican National Convention in Kansas City, a climax of sorts to his many years of work for the GOP.

One day in the fall he talked to fifth and sixth graders at Buffalo Jones Elementary School about his experiences at the convention and about politics in general and the presidency of the U.S. in particular.

A student asked him if he'd like to be president. Tony smiled and said he might if he were younger but that he thought his time for that kind of goal had passed. He was quick to assure his youthful listeners that it was something each of them should think about.

Tony's accomplishments, in his 61 years, were remarkable by anyone's standards of success. Coming from where he started, he went a long, long way. His native intelligence and savvy and ambition might have taken him a lot further had his priorities not been headed by a strong sense of obligation to others . . . a priority that took precedence over any personal ambitions.

He was committed first of all, as often is the case with immigrant citizens, to his family. To begin with he came back to Garden City from California when his father died to help his mother raise his brothers and sisters. The third eldest, he assumed a command in the family that was never questioned. And then he raised a large family of his own.

Tony's sense of obligation went beyond the big family circle to include his brothers and sisters of national origin. When Tony's phone rang, it was often trouble. Someone else's trouble. Tony didn't ask a lot of questions before he helped the one in trouble and he didn't talk about it after.

"No one will ever know how many people Tony helped," a close relative told us one day last week. "And they weren't all Mexicans by any means. They were white and black, whatever. Skin color didn't mean that much to Tony."

Tony was never a phony. He was honest, and he saw through and beyond many with whom he associated. He knew what he had to do and how to do it. He never claimed to be perfect himself and didn't expect anyone else to be and therefore he was compassionate. Above all he believed in this country and in all that it has to offer.

The hundreds who attended Tony's funeral a week ago today—people of all ages, nationalities and walks of life—were evidence of his place in this community. "The Battle Hymn of the Republic," played at the end of the service, was a farewell to a good man and great citizen.

CONGRESS SHOULD REJECT PAY RAISE

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KASTEN. Mr. Speaker, I am today introducing a resolution to disapprove the President's proposed pay increases for key Government officials, including Members of Congress.

I am introducing this resolution for two reasons. First, it is the only vehicle open to those of us who believe there should be a recorded vote on the issue. Second, I simply cannot justify such an exorbitant increase in pay at a time when we are demanding sacrifices on the part of the American people.

The House Ad Hoc Subcommittee on Pay Raises is holding hearings today on the subject of the salary increases. I have submitted a statement to the committee which I would like to have inserted in the RECORD following these remarks.

I urge the House to promptly consider my resolution of disapproval. It would put the House on public record on a subject where every citizen has a right to know the position of his elected representative.

The statement follows:

TESTIMONY OF ROBERT W. KASTEN, JR.

Mr. Chairman, I am pleased to have this opportunity to submit testimony to this special committee on the issue of pay raises for Members of Congress.

No Member of Congress will deny the gravity and importance of many of the issues that will come before us during the next two years. Many of these decisions will not be easy, for they will require sacrifices on the part of the American people.

As never before in our history, we will need to forge a working partnership with our constituents to make the sacrifices bearable and to insure the success of badly needed reforms. To achieve that partnership, we must have the respect and support of the people. It is important, therefore, that we start on the right foot.

I can think of no more foolish beginning than to approve the current pay raise pro-

posed for Members of Congress. It is an affront to our constituents. We ask them to sacrifice while we realize a 29% increase in pay. To compound the insult, the procedure for increasing salaries has been shrewdly devised so that no Member need record his vote on the merits of the raise. Instead, without Congressional action to disapprove the pay raise, it automatically goes into effect. Such a procedure makes a mockery of any talk of restoring trust in government.

The salary recommendations proposed by the Commission on Executive, Legislative and Judicial Salaries, as modified by the President, are not entirely without foundation. There is some legitimate reason for concern that salaries in top government positions are not sufficient to attract quality talent from private industry. As a result of frozen pay schedules, a number of federal judges have left the bench in recent years to return to private law practice. That trend must be reversed if we are to retain the best legal talent in the nation's judgeships.

This is not the time to allow increases of the magnitude proposed, particularly for Members of Congress. The sacrifices we will be asking of the American people during the coming months will be great. We have asked them to conserve energy and pay higher prices for that which they do use. We have asked them to tolerate high taxes, to live with high inflation and tolerate an exorbitant national debt. We have asked them to increase productivity while accepting lower wage increases. We cannot in good conscience ask less of ourselves.

And, we cannot deny that we are talking about a substantial increase in pay. A Member of Congress now earns \$44,600 per year. This proposal would raise the salary to \$57,500, an increase of \$12,900. Mr. Chairman, the median family income in this country is \$13,719, nearly equal to the pay raise we will gain if this Committee refuses to report a Resolution of Disapproval to the House floor.

Lastly, I most strongly object to the procedure by which these pay raises are implemented. It allows a Member of Congress to "duck the issue." While preaching fiscal responsibility to his constituents, he can conceal his position on a pay raise. If a Member can justify in his own mind and to his constituents that he is deserving of a \$13,000 pay increase, he should vote and be on record. We should not permit him to avoid the issue and still reap the benefits of the increase.

Those supporting the pay raise have tied it to establishment of a Congressional Code of Ethics. It seems to me that the foremost principle in such a Code is to be open with the people we represent. How can we be open and allow a pay raise without being on public record? It is an inconsistency which the American people will see through quickly. It destroys our credibility and tarnishes the lofty goals we seek to achieve.

I urge the Committee to act this week to report my Resolution of Disapproval to the floor so that we can have a vote on the issue before the Recess. It is the perfect time to make our individual decisions and to return home to explain our vote to the people we represent.

POLLUTERS MUST PAY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. ANDERSON of California. Mr. Speaker, in last Friday's Washington Post, the newspaper ran an editorial

entitled "Paying the Costs of Kepone." The first sentence read: "Pollution doesn't pay; polluters do."

The polluter in the illegal dumping of Kepone into Virginia's James River was the Allied Chemical Co. The fine imposed by Judge Robert R. Merhige in this case was \$13.2 million.

The theme, however, that polluters should bear at least part of the cleanup costs of a pollution incident is the philosophy behind a bill I cosponsored called the Comprehensive Oil Pollution Liability and Compensation Act of 1977.

The proposal seeks to establish a comprehensive law governing oil pollution liability and compensation after a spill. In other words, we want to determine who pays, how much, and to whom.

Under the "Findings and Policy" section—section 101—of H.R. 2364, one paragraph reads: "existing law with respect to liability and compensation for oil pollution removal costs and other damages is inconsistent, inadequate, incomplete, inefficient, and inequitable."

Considering the damage oil pollution has wrecked on our environment, this Congress must legislate a comprehensive law governing liability and compensation after an oil mishap.

The following is the editorial referred to:

[From the Washington Post, Feb. 4, 1977]

PAYING THE COSTS OF KEPONE

Pollution doesn't pay; polluters do. That is the first point U.S. District Judge Robert R. Merhige wanted to emphasize last fall when he fined the Allied Chemical Company the whopping sum of \$13.2 million for illegally dumping Kepone and other chemicals into the James River. The message has not been diluted by Judge Merhige's reduction of the fine to \$5 million in return for Allied's donation of \$8 million to a new Virginia environmental fund.

It is true that Allied will save a few million this way because the contribution, unlike a fine, is tax-deductible. Even so, the company has now paid the largest criminal penalty ever levied in a federal pollution case. Beyond that, Allied has financed some medical research and cleaning-up in Hopewell, has paid damages of undisclosed amounts to victims of Kepone poisoning—and still faces large civil suits filed by the state and James River watermen. All in all, Kepone's costs to the company—not to mention the human and environmental harm—should be sobering to any corporation that still regards pollutions as a nickel-and-dime affair.

This week's events also bolstered Judge Merhige's second point: that polluters should bear at least part of the cost of cleaning up. The judge said last fall that he lacked authority to order Allied to pay part of its fine into a fund for combatting Kepone-related problems. He has achieved about the same thing by forceful persuasion—and the result should be far more beneficial to Virginia than paying the full \$13.2 million into the federal treasury. Because the fund will be run by an independent board of citizens, including Attorney William B. Cummings of Alexandria, there seems to be little danger of it being used for Kepone clean-up work that Allied should finance. Instead, the fund can supplement state and federal efforts to deal with the Kepone catastrophe, and can also help to relieve other major environmental problems in the state. It is a creative, appropriate approach—the one plus, perhaps, that has come out of the whole sad Kepone experience.

COMPLEX FORMS: PROBLEMS TO OLDER TAXPAYERS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. BRADEMAS. Mr. Speaker, I am pleased to bring to the attention of my colleagues a timely and informative article dealing with the 1976 Tax Reform Act and its effect on senior citizens.

The article, entitled, "Complex Forms: Problems to Older Taxpayers," was published recently in *People and Taxes*, a public interest newsletter focusing on tax issues, issued monthly by the Tax Reform Research Group, Inc.

The article, which describes the difficulties older Americans have in understanding the tax code as it applies to them, how they may benefit from it, and where to go for competent, inexpensive and/or free assistance in filing their forms, recommends several publications and programs which specialize in assisting senior citizens with their income tax problems.

In addition, the article contains useful information on several provisions of the 1976 tax amendments which are important to elderly taxpayers and which could result, in some cases, in reduced taxes.

Mr. Speaker, I insert this article at this point in the RECORD:

[From *People & Taxes*, January/February 1977]

COMPLEX FORMS: PROBLEMS TO OLDER TAXPAYERS

(By Richard Halberstein)

On August 27 the House-Senate Conference Committee for the 1976 Tax Reform Act eliminated a Senate amendment to spend \$2 million to help elderly taxpayers meet their filing requirements. The same day, the conferees also agreed to liberalize tax treatment for owners of historic structures. It might be unfair to conclude that Congress thinks more of older buildings than older taxpayers. But the failure to pass the \$2 million assistance provisions does show insensitivity to the needs of older citizens at tax time, and delays for at least another tax season the possibility of making it as simple and pleasant as possible for them to file their returns.

The provision mentioned would have authorized IRS to assist private volunteer organizations to train tax consultants for the elderly. The agency also would have hired retirees to work in programs for older taxpayers and would have reimbursed expenses of volunteers doing similar work. Most importantly, the amendment would have resulted in greater publicity for tax provisions of particular interest to the elderly. The lack of adequate publicity and education about available tax saving provisions and about free tax assistance services is a serious handicap to older citizens.

The annual ordeal of preparing tax returns will be more complicated for everyone this year because of several retroactive (often tax-saving) changes in the 1976 Act. The "short form" is longer, and commercial preparers are predicting a 20% increase in business. Older taxpayers, especially those with fixed lower incomes, generally have more intricate and confusing tax situations anyway. Thus they will be seriously affected by these changes. As usual, older persons will have difficulty determining whether they must file at all, or whether any of the new provisions apply to them.

Many older persons were unaware of the old retirement income credit, and it is a safe presumption that many who qualify will not know about the new elderly credit for 1976 (new schedules R and RP). Most older persons with pension, disability or survivor's annuity incomes do not understand how the tax laws apply to them or the forms for reporting such income. Relatively few persons last year knew about the "earned income credit," or the "personal exemptions credit," and predictably very few retirees will be aware of the new rules for taxation of "sick pay," or disability payments or gains from sales of personal residences. And for some reason, too many older taxpayers believe that no income is taxable after age 72.

A congressional committee concluded a few years ago that as many as half of all older Americans overpay their federal taxes because they are unaware of tax-saving provisions, do not know where to seek competent inexpensive or free help, or both.

As a partial answer to this problem, the Senate Special Committee on Aging issues a pamphlet entitled "Protecting Older Americans Against Overpayment of Income Taxes." This is a checklist of deductions, exemptions and credits that may be available to the elderly. Copies are available free to anyone sending a return mailing label to the committee at Rm. 225, the Dirksen Senate Office Building, Washington, D.C. 20510.

But a checklist, while helpful, is not the answer. The IRS needs to make special efforts to inform elderly taxpayers of the programs available nationally and locally to provide free tax assistance.

One operation which should get greater attention—and be modified for the benefit of the elderly—is the IRS taxpayer assistance program. This program is intended to provide free help to people preparing their own tax returns, but it is not intended to be a complete tax preparation service. Each year journalists and congressional staffs create embarrassment for the IRS by asking the same tax question of several taxpayer assistance offices and report receiving several different (often conflicting) replies. Error rates, telephone delays, and incompetence met in the program have been mentioned frequently in the press and by the House Ways and Means Oversight Subcommittee. This particular program, as it stands now, is not much help to older poorer taxpayers.

The IRS does issue an annual pamphlet (Publication 554, "Tax Benefits for Older Americans") available from any local IRS office, which contains information useful for the elderly. IRS would greatly improve its treatment of older taxpayers if it offered them a return preparation service and made a greater effort to furnish copies of Publication 554 to all older persons who could use it, not just those who ask for it.

Older persons cannot be expected to wait for long periods in an IRS office, and often find it hard to arrange transportation. IRS could provide special appointments for them at locations which might be more convenient for example. So far the attitude of IRS (concurrent in by the General Accounting Office which examined the assistance program last year) is that IRS should not attempt to compete with the many existing tax preparation services.

Another program which needs greater publicity and attention is Volunteer Income Tax Assistance (VITA), operated through the IRS to provide training and services to local volunteer organizations. According to an IRS official, this year's VITA program will emphasize training volunteers to assist the elderly with tax problems, and will utilize local newspapers and other media to publicize locations and times for assistance. Information about VITA is available from local IRS offices, or from VITA, 1111 Constitution Ave., N.W., IRS Building, Washington, D.C. 20005.

A program which is receiving more attention each year is the nationwide "Tax Aide" project operated by the American Association of Retired Persons and another organization, the National Retired Teachers Association.

Tax Aide started modestly nine years ago with four counsellors helping 75 elderly taxpayers in Washington. Last year, AARP estimates, more than 300,000 persons were given help with their forms by over 5,000 counsellors in 1,200 cities and towns. The phenomenal growth of Tax Aide alone shows the crying need of older persons for assistance on tax returns.

Tax Aide publishes an excellent easy-to-read pamphlet called "Your Retirement Income Tax Guide" which discusses filing requirements, how to seek outside help with taxes, and recent relevant law changes. (For information about the program or the pamphlet, write Tax Aide, 1909 K Street, N.W., Washington, D.C. 20049).

The tax problems of the elderly obviously center more on getting the annual task accomplished than on particular provisions of law. The Federal Council on Aging (an independent government advisory body) recently completed a study concerning the problems facing older taxpayers. The Council concluded that federal tax law properly favors taxpayers over 65 compared with others because of the different daily living situations faced by the elderly, especially those on fixed incomes. Yet, it seems obvious the elderly still need much more from Congress and the IRS, not in the form of further tax reductions or gimmicks, but information, education and assistance in utilizing present law fully.

In this writer's view, the following suggestions should be considered immediately by Congress and the IRS:

IRS should modify its taxpayer assistance program to provide complete tax services for all older taxpayers, including special locations and service by appointment. Congress should enact rules for omission of penalties and interest whenever older taxpayers make appointments before the filing date, regardless of when IRS finally can provide personnel to assist them.

IRS should change its VITA program to give first priority to training volunteers (preferably qualified retirees) who seek to assist older taxpayers.

Taxpayers over 65 (or where one spouse is over 65) should be permitted to file their tax returns as late as June 15th in order to avoid the problems of seeking and obtaining help during the peak period before April 15, especially where inclement weather prevails during the tax season. In such cases interest on any amounts due would be calculated at the regular rate from April 15th; and

The older taxpayers' assistance program rejected by the Conference Committee last year should be enacted, thus providing greater information to older taxpayers through the media, and increased IRS participation in training and funding local volunteer organizations assisting older taxpayers.

1976 TAX ACT WILL AFFECT SENIOR CITIZENS

The Tax Reform Act of 1976 contains several important changes effective this year. Several provisions are of particular importance to older taxpayers, and may result in reduced taxes.

CREDIT FOR DEPENDENT CARE

For 1976, taxpayers whose household contains a child under 15 or a spouse or other "dependent" incapable of self-care, may qualify for a credit of 20% of the expenses of caring for such person (up to stated maximums). These expenses must have been paid so that the taxpayer could work full or part time. A tax credit is a direct subtraction from taxes, whether or not the taxpayer itemizes other personal expenses as deduc-

tions. More information is available from IRS Publications 503, which is free, from the instructions accompanying IRS Form 2441.

PERSONAL EXEMPTION CREDIT

For 1976, taxpayers of all ages are entitled to a tax credit equal to \$35 for each "exemption" indicated on line 6(d) of this year's tax forms (taxpayer, spouse, and all dependents, but not including special "exemptions" for age or blindness), or 2% of taxable income (line 47 of Form 1040, or line 15 of Form 1040A) but not more than \$180, or \$90, if married and filing separately. This provides increased tax savings over last year's credit.

CREDIT FOR THE ELDERLY

For 1976, the old "retirement income credit" has been replaced by a simpler and more liberal credit for the elderly. Taxpayers over 65 (or under 65 if retired under a public system) may be able to reduce taxes by as much as \$375 if single, or \$562.50 if married. This credit is reduced by any exempt social security or other exempt retirement income, and is phased out as the taxpayer's income begins to increase over \$7,500 for singles, or \$10,000 for married couples. Computation for this credit is still complicated though the credit is more equitable for older persons. More information is available from IRS Publication 524, free, and IRS's new Form R and accompanying instructions (Form RP for persons under 65 on a public retirement system is on the back of Form R).

"SICK PAY" AND DISABILITY

Under prior law, employees and disabled retirees (still under the age of normal retirement) were able in certain circumstances to exclude up to \$100 per week from sick pay or disability annuity payments. In light of the new expanded tax credit for the elderly (above) the sick pay or disability exclusion for those over 65—even if totally disabled—has been repealed effective for 1976. Many older taxpayers who previously qualified for up to a \$5,200 exclusion (\$100 each week), may find that their tax liability is greater than expected for 1976, and that withholding taxes taken out during the year are not sufficient to cover such liability.

A LOW BUDGET GUIDE TO DEVELOPING NEIGHBORHOOD OPEN SPACE

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. KOCH. Mr. Speaker, a sense of community is a growing source of strength and prosperity for many neighborhoods in New York City. Through a spirit of self-help and pride in New York City, citizens have organized and developed a variety of projects. Residents have gotten things done by forming block associations. With city services decreasing and urban problems increasing, people have come to realize that the quality of life of their neighborhoods really depend on their own efforts.

One way of improving a community is through the development of vest pocket parks and community gardens. Since coming to Congress in 1969, I have worked with community groups in my congressional district in clearing idle land and putting it to use at relatively little cost to local residents.

In this report I would like to outline

some of the resources now available to block associations and community groups in developing open spaces in our city.

A new Federal urban gardening program has been established which will provide support and assistance to organizations in setting up local community gardens. The urban gardening program is funded by the Department of Agriculture through legislation sponsored by Congressman FRED RICHMOND of Brooklyn.

The program's goal, according to Federal guidelines, is "to develop and improve urban gardening for food production, preservation, and utilization, to result in improved nutrition." Urban gardening specialists, including a horticulture specialist, a nutritionist, and a program information specialist provided by Cornell University are available.

Interested groups should contact Mr. Albert Harris, New York City Gardening program leader, with a brief description of their gardening proposal, including the location which could be an area such as a vacant lot, rooftop, family garden, or block association garden. For further information, and to apply, write to:

Mr. Albert Harris, Program Leader, Cornell University, Cooperative Extension, New York City Gardening Program, 30 Third Avenue, Room 618, Brooklyn, New York 11217.

A wide variety of services are available to community groups interested in developing open spaces through the following organizations:

Council on the Environment, 51 Chambers Street, Room 228, New York, New York 10007. Phone 566-0990.

Open Space Planning Workshop—A "how to" turn a vacant lot into an attractive area. Garden Tool and Book Lending Library—lends tools to groups.

CENYC's Information Service—distributes fact sheets on specific subjects, including neighborhood evaluation, composting, soil preparation, planting, tools, and weeds.

The Parks Council, 80 Central Park West, New York, New York 10023. Phone 799-6000.

General information on indoor and outdoor gardening, including planting and maintaining trees, shrubs, and bulbs.

Street care advice.

"How to" advice on the acquisition and development of lots.

Reference Library.

Publications: Tree Tips, available on request. Tree Table, 10¢ per copy.

The Horticultural Society of New York, 128 West 58th Street, New York New York 10019. Phone 757-0915.

Day, Evening, and Weekend Courses in horticulture. A brochure is available upon request.

Directory of community gardens in NYC. Events are held regularly, including lectures, flower shows, exhibitions, horticultural expeditions, circulating library, and joint programs with botanical gardens.

The New York Botanical Garden, Bronx, New York 10458. Phone 220-8700.

Plant information is available by telephone (220-8734) from 10-12 AM and 1-2:30 PM, or in writing.

Research and resource library is open to the public Monday through Saturday, from 11 AM to 4 PM.

Courses in gardening are offered and scholarships are available to qualified representatives of community and social service organizations (call 220-8747 for information).

Technical assistance and site visits are available.

Green Guerillas, P.O. Box 673, Canal Street Station, New York, New York 10013.

Printed material is available on how to start a community open space project (\$2.00).

Research sheets on topics such as composting, weeds, etc.

Consultation on organization, horticultural problems, and design plan are available.

Brooklyn Botanic Garden, 1000 Washington Avenue, Brooklyn, New York 11225. Phone 622-4433.

Assistance on title search in order to obtain permission to use vacant land.

On-site consultation.

Courses in horticulture.

Again, the above list is a brief and general description of the kind of services available through these groups. A more complete description and information on each organization can be obtained directly through the organization. Memberships are available, and discounts are generally granted to members. All of the groups are eager to accept volunteers to work with them. This list is by no means complete, and my office would welcome information on additional groups. My office and I are continually ready to work directly with community groups interested in undertaking an open space project.

TV VIOLENCE: CBS PROGRAM IS "WORST EVER"

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. MURPHY of New York. Mr. Speaker, the CBS television network has recently taken up where the ABC network left off in a totally tasteless, senseless and ridiculous broadcast of what the Washington Post rightly characterized as "the worst TV program ever": Evel Knievel's Death Defiers. The events which took place in American living rooms through the facilities of the CBS network defy rational explanation; there is no acceptable reason for attempting to publicly dismember oneself, and even less reason to spend millions of dollars to bring this grisly circus to the television-viewing public.

Public outrage has been unanimous; every responsible newspaper reviewer took note of the asininity of the program, and thousands of citizens took the unprecedented action of phoning their television stations and the Federal Communications Commission to demand legal action against the network.

Mr. Speaker, the Communications Subcommittee which has jurisdiction over the broadcasting industry has scheduled hearings on March 2, 1977, on the topic of violence and obscenity on television. In this particular instance, I find the program in question to be so senselessly violent as to be obscene. As ranking majority member of the Communications Subcommittee, I shall take the case against this, and similar programming, before the proper congressional forum. The FCC refuses to act, and the networks continue to program such material in spite of their claims of the public benefits of self-regulation.

Over the past few years, I have made

repeated attempts to keep ABC from broadcasting Knievel's attempts at self-destruction. Each time, my legislation failed, and the result has been, following each jump, a predictably large increase in admissions to hospital emergency rooms of broken bodies of children, maimed and paralyzed for life in emulation of the performance of Knievel's deathwish.

The response from the industry has been the same each time: in effect, "leave us alone; it's our first amendment right to broadcast whatever we wish." And the response from the Federal Communications Commission has been equally predictable: FCC Chairman Wiley continues to plea a total inability by the Commission to regulate, as the Communications Act compels them to, "in the public interest." Mr. Wiley continues in his naive belief that the industry will somehow regulate itself.

The industry, however, has graphically demonstrated its gross inability to act in the public interest. It is now time for the Congress to act.

I include the following:

FEBRUARY 1, 1977.

Mr. BARRY FRANK,
President, CBS Sports,
New York, N.Y.

DEAR MR. FRANK: Last night's display of incredibly pointless violence on "Evel Knievel's Death Defiers" defies any attempt at rational explanation. The circus atmosphere surrounding the presentation of a half-dozen madmen intent on self-destruction violated every imaginable tenet of responsible broadcasting and simple good taste. It is almost beyond comprehension that a normally sensible purveyor of public programming such as CBS could, in one brief program, gather so much insanity and stupidity into a single presentation.

The incidents at issue are almost too many to list, and the manner of their presentation by CBS flaunts your mandate, by the Communications Act of 1934, to program "in the public interest." What possible benefit could ever be derived by any impressionable child—or adult—by watching:

Orville Kesselburg blow himself up with four sticks of dynamite ("when two would destroy a car" according to the commentator). He admits to a 50% loss of hearing since doing this act, and we are treated to an instant replay of his lunacy, touching off the dynamite with a battery while dressed only in a tuxedo.

Jumpin' Joe Gerlack's "sponge plunge" from an 84-foot high platform into a 3-foot thick foam pad, after intentionally abandoning his only safety gear, a helmet, and again, an instant replay in which "I almost missed . . . that was a class one . . ."

David Merrifield's helicopter trapeze act, in which he "does what a man has to do; right or wrong, foolish or not, he just has to do it. It's just like he was taking a walk in the park . . ." (per Ms. St. John).

Ron Phillips' snowmobile jump, after which, although he has "sprained (his) back, he's alright—he's walking".

Karl Wallenda, the only legitimate circus act, who admits his age of 72 has brought him poor eyesight and reflexes to reduce his chances of success.

And, of course, Evel himself, whom we discover is not to be present due to injuries sustained during rehearsal . . . which we view no less than three times through the magic of television.

While the above litany of lunacy is in itself tribute to the network's surrender to an unexplained blood-lust, the additional material used to bridge the segments perhaps surpassed the main program content in poor taste.

Ms. St. John's constant remark that "the suspense is killing me."

Repeated commentary on how dangerous each event was, and how limited each man's chance of success was.

Occasional teasers as to the extent of Knievel's injuries, and how, "because he's the kind of guy he is, he is on his way here." (He never made it.)

The introduction of Joe Einhorn, a friend of Evel's who "has been laid up since August from a bad crash".

The film clips of every one of Knievel's crashes, including Los Angeles, Cedar Rapids, San Francisco, Wisconsin, Snake River, and the Caesar's Palace crash complete with close-ups of his body being mangled.

The incredible continuity: "we'll have a report on Evel's injuries right after this commercial . . ."

And the only, repeat, only mention during the 90 minute show concerning safety was as follows: "Speaking of his interest in safety, Evel was very concerned about the sharks." Following which we were treated to a clip of the care and feeding of salt water sharks.

I also find it odd that, although the CBS network promoted the show for weeks, Evel never appeared, except from a hospital bed. His "rehearsal attempt" at the jump, during which he fractured his hand and collarbone, and injured his back, was fortuitously videotaped, however, from four different camera angles. But your audience was "cheated" out of the sight of the jump being performed over sharks . . . the tanks appeared empty during rehearsal.

While I'm certain CBS could never be cited for false advertising regarding Mr. Knievel's non-appearance, I am equally certain that this program, and others like it, represent the very bottom of the pit of responsibility. I have taken the American Broadcasting Company to task in the past for its broadcasts of Mr. Knievel's jumps, which were immediately followed by an extremely well-documented rash of maimed, torn and broken children's bodies who were simply emulating the cult hero brought into their living rooms by an irresponsible broadcaster. I emphasize that these cases are directly attributable to these children's propensity to imitate what they had seen on television: a near lunatic jumping cars, buses, or rivers on his motorcycle.

I am not so naive as to believe that this single letter of protest will remove forever from your network the irresponsible and excessively violent sort of programming mentioned. I am, however, content that public opinion will allow the Congressional Committee on Interstate and Foreign Commerce, which has jurisdiction over the broadcasting industry through its Subcommittee on Communications on which I serve, to exercise a responsibility toward programming in the public interest which the networks have apparently abandoned.

Sincerely,

JOHN M. MURPHY,
Member of Congress.

[From the Washington Post, Feb. 2, 1977]

TV HIT BOTTOM WITH GHOULISH KNieVEL

(By Joan Ryan)

It is risky to deal in absolutes, given the wide range of viewer tastes in television programming, but I feel perfectly comfortable suggesting that "Evel Knievel's Death Defiers" (Monday, 8:30 to 10 pm; WTOP-9) now must be considered the worst TV program ever.

Not only was it ghoulish in content and vapid in style, but the 90-minute special was beamed into homes across the country during what was at one time declared by television executives to be "the family hour."

It was hardly the type of program for passing the popcorn and throwing another log on the fire. No, it was more like a crime watch for guilty parents who learned too late that their children were watching Orval

Kisselburg (The Human Bomb) blow himself up with four sticks of dynamite in the cozy comfort of the family room.

The special was to have revolved around Evel Knievel's permanent fixation on annihilating himself publicly. He was to have ridden his motorcycle up a ramp and across a tank filled with "man-eating" sharks. Then he was to have gloried in his exploits with co-hosts Telly Savalas and Jill St. John.

It turned out to be the perfect sequel to the Snake River debacle, a launching that fizzled with the misfiring of his rocket sky-cycle. Knievel could not be dissuaded from taking one more practice run two hours before showtime, and his luck of late held. He totaled his bike and was carted off to a hospital with a broken collarbone and hand.

This was CBS' big chance to cancel the show but the network blew it. With scarcely four minutes until airtime, the decision was to let Savalas and St. John wing it. It was live television in all its anguished misery.

The ineptitude of Savalas and St. John introduced viewers to a new low in color commentary. Tough-guy Savalas tried to treat the specter of death matter-of-factly. "It is only orthopedic," is the way he repeatedly described Knievel's injuries, as if there was a distinction in how a man could be maimed.

St. John gushed and cooed and tried to act the part of a princess at a jousting tournament. Dave Merrifield spun from his trapeze under the belly of a helicopter over Miami and St. John identified Collins Avenue for us. Joe Gerlach dove 84 feet and landed on a sponge; Ron Phillips dove his snowmobile off a ramp into a snowbank, and 72-year-old Karl Wallenda walked a highwire stretched between the Eden Rock and Fountainbleau hotels.

As embarrassing and irritating as this prattle was, it was not the talk that was most disturbing. It was the CBS focus on death as the ultimate teaser to haul in viewers. It was the unnecessary glorification of danger in front of impressionable young children in the prime-time viewing audience.

There was no cautionary statement with the show that adult supervision might be necessary if children were to watch. There was no warning to kids in the audience that trying to jump from the roof of the house into a saucer of water might be bad for the health. No one said it was a no-no to try to duplicate the Human Bomb's feat with a large firecracker in the backyard.

"We thought of it as a harmless circus show," said CBS spokesman Barrie D. Richardson. "And the guy with the dynamite looks like the guy in the cannon in the circus."

But there is a difference between a circus and a TV special starring Evel Knievel. There is a difference between flirting with death and daring it.

CBS made a graphic point, cutting the cameras away from Karl Wallenda as he gingerly made his way across the highwire. By turning to yet another commercial about beer or bras, CBS was saying that just walking the highwire was boring. To hold the cameras' attention, would Wallenda have to fall?

CBS reported hundreds of favorable calls on the program by Tuesday morning. Locally, WTOP received 130 protests. A spokesman at the Federal Communications Commission said telegrams were pouring in to ask for legal action.

But FCC chairman Richard Wiley explained that the commission has "little or no authority to regulate" program content. "I believe deeply in the first amendment," he said. "But I believe in the responsibility of broadcasters and self-regulation is part of it. You have to trust the taste, judgment, responsibility and ultimate sensitivity to the needs of the public. This is something the government cannot regulate."

I don't mind if Evel Knievel pursues his personal pact with death as long as he does

it on his time. No one wants the government to regulate program content on television. The question remains, can the networks honor their own pact to protect younger viewers from such potentially harmful examples as those who defy death in the guise of entertaining?

[From the New York Post, Feb. 2, 1977]

SHOW'S A SMASH—BUT ONLY FOR EVEL

CHICAGO.—Evel Knievel was reported resting comfortably today in a hospital here after missing his scheduled live TV date with the sharks last night.

The motorcycle daredevil successfully soared over them in a practice run but took a spill on the far side of the shark pool in Chicago's International Amphitheatre only two hours before a nationally televised show in which he was to star.

He wound up in Michael Reese Hospital, with a broken right forearm that will need surgery, a broken collarbone and chest and back pain.

A hospital spokesman said Knievel's chest and back pains "as far as we can determine . . . are the result of old fractures."

A California orthopedist was expected to fly here to examine Knievel and determine whether the surgery will be performed at Michael Reese or on the West Coast. Surgery will not be needed to mend the collar bone, the hospital spokesman said.

Lying in his bed late last night, the motorcyclist vowed to come back: "I will return . . . I'm not a quitter."

Of the mishap, he said, "There was so much impact . . ." upon landing that he lost control.

The show went on as scheduled, including other daredevil acts and a film of Knievel's mishap. But the crowd boomed when actor Telly Savalas, co-host of the program, announced that Knievel would not be able to perform.

Savalas and his co-host actress Jill St. John, kept dropping hints during the show that Knievel might show up, at least to greet the crowd, but the motorcyclist was actually undergoing hospital tests at the time.

"He cleared the tank all right," a CBS spokesman said, "but then landed wrong."

Knievel was taken from the Amphitheatre on a stretcher.

The jump, was to be over a 90-foot-long pool containing 13 lemon sharks, each 8 feet long.

Like many other Knievel stunts, this one was surrounded by controversy. Several experts pointed out that lemon sharks are not considered man-eaters and that they would have been terrified had Knievel and the motorcycle landed in the pool.

[From the Daily News, Feb. 2, 1977]

LET US GET THOSE EVIL-DOERS OFF TELEVISION
(By Kay Gardella)

Television's exploitation of Evil Knievel's reckless daredevil acts—which are neither sport nor entertainment, but subliminally reinforce the death wish—is despicable sensationalism and a frantic reach for ratings.

The mighty mouth from Montana, a motorcycle stuntman who has become a macho hero to millions of misdirected children, did not take part in CBS' Monday night special, "Evil Knievel's Death Defiers," because of an accident that occurred during a practice jump over a 90-foot pool stocked with 13 sharks.

A television audience had been hyped up for this wildly conceived stunt in the Chicago Amphitheater, where Telly Savalas and Jill St. John acted as co-hosts of the events, but what it saw instead was film footage of the afternoon crash. The footage was kept for the last minutes of the telecast to hold the attention of viewers through this tasteless, thrill-seeking telecast.

It was not shocking enough just to show the crash, which involved Knievel slamming

into a retainer wall after landing safely on an exit ramp; viewers were treated to two camera versions of the near-fatal stunt. It was touted as an "unbelievable act of courage." If this kind of thing is what is being passed off today as courage to our young, who have grown up in the television era, then it's time to turn our sets off.

THRILL OF THE UNEXPECTED

Such events have another aspect to them that should be carefully considered when we turn people like Knievel into national heroes. His flag-waving, his alleged courage, (which some of us would call by another name—how about insanity?) are conceived to make money, big money. The children who imitate him only wind up disillusioned and with broken limbs.

Then there are those man-eating sharks. How about them? According to William Baker, director of Chicago's Shedd Aquarium, they would have been "stunned" if Knievel's motorcycle had fallen into the pool. "They would be scared," said Baker. "They would head away from the cycle. They would not be worried about attacking anybody."

This was Knievel's 13th accident. It's not the first to be televised. When he plummeted into Snake River Canyon, Idaho, two years ago, after attempting to leap across the canyon on his Sky-Cycle X-2, ABC, in one of its great enterprising gestures, televised the plunge on "Wide World of Sports" after it had been shown on closed circuit television.

"The thrill of the unexpected" is the way producer Marty Pasetta describes the public interest in such shows. The unexpected, of course, can only mean one thing—death or an accident that would maim somebody. The possibility of a fall by Karl Wallenda, the 72-year-old high-wire performer, who carried a 24-foot balancing pole across a 720-foot wire stretched between the Fontainebleau and the Eden Roc hotels in Miami Beach on Monday night, should have satisfied the most blood-thirsty viewer. Even Savalas, who should never have participated in such a telecast, had the good grace to cringe.

This was one 90-minute telecast the medium could easily have done without. In this TV era of anti-violence, it's time such events were soft-pedaled; television can well afford to forego such entertainment.

NEW JERSEY PINELANDS PRESERVATION ACT OF 1977

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 7, 1977

Mr. FORSYTHE. Mr. Speaker, I am sure that most Members of this body think of New Jersey in terms of their experience gained in traveling through the Philadelphia-New York corridor on the New Jersey Turnpike, an experience including some of the worst parts of the northeast megapolis. New Jersey is the most populous State in the Union and the effects of that population are very evident in the turnpike corridor.

Those same Members might be surprised, however, to know that almost a quarter of the total area of New Jersey still consists of relative wilderness—the area in southern New Jersey known as the Pinelands—or the Pine Barrens.

The Pinelands have been characterized by the U.S. Department of Interior as a "land that time forgot." Constituting the largest undeveloped stretch of land on the eastern seaboard, the Pinelands represent a unique resource not only for the State of New Jersey but also for the

entire country. The almost unbroken pine and pine-oak forests of this flat, seemingly remote area shelter a complex ecosystem of plants and animals which are rare or unknown anywhere else in the world. The U.S. Interior Department's Bureau of Outdoor Recreation notes in a detailed study of the area that at least 21 species of northern plants reach their southernmost limits here and over 110 kinds of southern plants reach their northernmost limits. Such an overlap occurs nowhere else in eastern North America according to the BOR. Additionally, the Pinelands are home to such unusual animal species as the pine barrens treefrog, the carpenter frog, the northern pine snake, and the timber rattlesnake.

In addition to the unique plant and animal resources of the Pinelands, the region is also rich in history. Although early farmers bypassed the inhospitable region in favor of the richer farmland and more attractive harbors to the west, nevertheless the area supported iron production, brick and tile manufacturing, and glass and paper making. Little of the industrial activity has endured, but many historical sites remain which provide good insights into the early attempts of our American forebearers to tame this wilderness. Today, industrialization has given way to agriculture in places. Bogs and marshes in lowland areas have been cultivated and now support native blueberry and cranberry crops. These crops are among the few that can be successfully cultivated in the Pinelands and New Jersey ranks high in national production of these crops.

Perhaps the most important resource of the New Jersey Pinelands, however, is not even apparent to the casual observer. Underlying the area is an enormous underground reservoir equivalent to a lake 2,000 miles square and averaging 37 feet in depth. This reservoir contains about 17.7 trillion gallons, according to the BOR, an amount equal to the total precipitation in the region over a 10-year period. This enormous source of potable water, known as the Cohansey Formation, represents a major resource for the future growth of the entire area. Unfortunately, this most important resource of the area is also possibly its most fragile one. The loose, sandy and gravelly soil can readily transmit contaminants, especially since the water table is seldom more than 20 feet beneath the surface. A major priority for the area, therefore, must necessarily be the prevention of any such contamination.

Most startling in this catalog of natural and historical treasure, of course, is the fact that such an area of relative wilderness exists almost in the heart of the highly urbanized Northeast. Because of its strategic location and because of its unique land and water resource, the Pinelands area is inevitably subjected to increasing demands for varying forms of development. Responding to the threat of development, the New Jersey State Legislature created in 1972 the Pinelands Environmental Council, PEC, as the body mandated to provide leadership in the planning for the region. The purposes of the council are to protect the water resources and other natural assets

of the Pinelands region from misuse and pollution, to conserve the scientific, educational, scenic, water resources and recreational values of the region, to encourage land uses compatible with improving the overall environmental and economic position of the area, and, finally, to preserve and promote the agricultural complex of the Pinelands.

The 15-member Pinelands Environmental Council includes county freeholders, local mayors, sportsmen, a cranberry grower, a blueberry grower, and a representative from the New Jersey Department of Environmental Protection. In fulfilling its mandated responsibility for planning for the region, the council has two major functions: First, the establishment of standards and procedures for filing of development plans and proposals with the council; and second, the preparation and publication of a comprehensive plan for the preservation, enhancement, and development of the resources of the region. That comprehensive plan was first published in the spring of 1975. Reactions to the plan were varied, and the plan itself continues to be a source for active discussion of the region's problems, and continues to be revised.

Since the PEC, in keeping with New Jersey's long tradition of home rule, is essentially a planning, reviewing and advising body, many calls have been made over the years for stronger authority to develop and enforce land use controls for the region. For instance, in a 1975 report entitled, "New Jersey Pine Barrens: Concepts for Preservation," the Bureau of Outdoor Recreation strongly advocates the development and implementation of long-range land and water use controls as a prerequisite for any Federal involvement in either acquisition or management of areas in the Pinelands. Since authority for such controls has long been recognized as being vested with local governments, such recommendations have naturally been received with some apprehension by citizens of the region. The BOR report also discusses several possible State and Federal acquisition and management options based on the premise that land and water use controls will first be developed.

While the debate as to both long- and short-range approaches to the problems of the Pinelands continues, population growth and regional economic pressures continue to mount. Recognizing the threat to such a fragile resource, the committee on priorities of the PEC published recommendations for the acquisition of certain key areas considered important for preservation in view of vulnerability and various scientific, esthetic, and ecological considerations. That priority list was subsequently endorsed by the Burlington County Board of Chosen Freeholders.

Acknowledging the role of the PEC as the only State agency presently responsible for Pinelands planning, and acknowledging the local endorsement of the PEC priority list, I introduced at the end of the 94th Congress a bill which embodied those recommendations. Today, I am reintroducing that bill in the 95th Congress.

This legislation is a fairly simple vehicle for providing Federal involvement

in what must continue to be an area of local initiative. The bill simply authorizes the Secretary of the Interior to acquire certain vital sections of the Pinelands on the condition that the State acquire other sections. While quite simple in concept, this approach is a first step toward providing Federal support without putting the entire burden on the Federal Government. It builds on the groundwork already laid by the State of New Jersey in establishing the council without taking away the State responsibility.

Assuring the survival of the Pinelands, of course, is not a simple matter. My proposal is only a beginning, a focal point to provide Federal interest in the Pinelands issue.

Recognizing the complexity of the problem and the overriding need for local input in attempting to develop a viable solution, I and Congressman BILL HUGHES of the Second Congressional District are joining in cosponsoring a day-long conference in New Jersey to bring those with expertise—whether in local, State or Federal Government, or citizen groups—for an exchange of information which will be useful to all. This conference will take place on Monday, February 14, 1977, at Atlantic Community College in Mays Landing, N.J. Congressman HUGHES and I are in the process of inviting the New Jersey congressional delegation, local members of the New Jersey Legislature, representatives of the State and Federal agencies involved, the appropriate county officials, local mayors, and citizens' conservation groups. Our purpose is to bring together as wide a range of interested parties as possible in order to provide not confrontation but information. We welcome the opportunity as legislators to sit and listen to frank and complete discussion of Federal, State, and local viewpoints and approaches. We hope that the conference will only be the beginning of a continuing discussion of the issues which eventually work toward a viable solution which will accommodate all the parties involved.

To summarize, in the New Jersey Pinelands we have a unique resource not only for the State but also for the Nation. Due to its nature and location, however, this is a particularly fragile resource and careful attention must be given to its preservation within the context of our urban Northeast. Groundwork has already been laid at the State and local level through the establishing of the Pinelands Environmental Council, but great benefits could possibly be derived from pooling State and Federal resources through a cooperative program taking into account local as well as State and national interests. I have introduced legislation which is a modest step toward achieving this cooperation.

Another step toward better understanding and coping with the region's problems will be a conference in New Jersey which will attempt to bring together all the varied interests involved in the area. These are admittedly modest beginnings, but beginnings which I hope will ultimately pay large dividends in providing a rational cooperation of Federal, State, and local governments in achieving goals which reflect local priorities.