HOUSE OF REPRESENTATIVES—*Tuesday, June 6, 1978*

The House met at 12 o'clock noon.

The Reverend Father Rodney R. Michel, St. Andrew's Episcopal Church, Scottsbluff, Nebr., offered the following prayer:

O Great and Wonderful God, this is Thy world and we seek always to remember that fact and to care for it and all that has been entrusted to us.

We ask Thy blessing upon our country that it may be a blessing to the world. In this moment, we ask Thy divine guidance for the House of Representatives; direct and prosper all their deliberations to the safety, honor, and welfare of Thy people. May this Congress always work to defend our liberties and save us from violence, discord, and confusion; that peace, happiness, truth, and justice may be established among us for all generations. Keep these Thy servants in Thy loving care as Thou dost love and care for us all.

We ask these things in the name of our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on June 5, 1978, the President approved and signed bills of the House of the following titles:

H.R. 9005. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes.

H.R. 11662. An act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

INTRODUCTION FOR REV. FATHER RODNEY R. MICHEL OF ST. ANDREW'S EPISCOPAL CHURCH IN SCOTTSBLUFF, NEBR.

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, it is a distinct pleasure and honor for me to introduce to my distinguished colleagues the much-loved and well-respected rector of St. Andrew's Episcopal Church in Scottsbluff, Nebr., Rev. Father Rodney R. Michel.

St. Andrew's Church has one of the largest Episcopal congregations in the Third Congressional District of Nebraska.

Father Michel was chosen president of the National Honor Society while in high school and graduated from Seabury-Western Theological Seminary in 1970.

In addition to his responsibilities to the congregation at St. Andrew's Church, Father Michel has contributed much to the local community by being a member of the advisory board of foster grandparents; being president of the advisory board for the School of Practical Nursing at Nebraska Western College and St. Mary Hospital in Scottsbluff; and serving on the advisory board of the Platte Valley Musical Arts. He is also a member of the Scottsbluff Rotary Club, Tehama Shrine, and Scottsbluff Elks Club.

His contributions have also been at the diocesan level of the Episcopal Church, where has has been a member of the executive council; a member of the department of youth work; and currently serves on the commission on ministry and as chairman of the committee on elections.

Father Michel's wife, Marie, and children, Anne and John, are just as inspired by his words, and just as proud of him as I am today.

PRIVATE CALENDAR

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

KWONG LAM YUEN

The Clerk called the bill (H.R. 1798) for the relief of Kwong Lam Yuen.

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

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

There was no objection.

MORRIS AND LENKE GELB

The Clerk called the bill (H.R. 3084) for the relief of Morris and Lenke Gelb.

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

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

There was no objection.

HABIB HADDAD

The Clerk called the bill (H.R. 3995) for the relief of Habib Haddad.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

IRENE HOFFMAN

The Clerk called the bill (H.R. 5612) for the relief of Irene Hoffman.

Mr. WYLIE. Mr. Sueaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

MARTINA NAVRATILOVA

The Clerk called the bill (H.R. 10210) for the relief of Martina Navratilova.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

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

The Clerk called the bill (H.R. 1415) for the relief of Ball State University and the American Association of Colleges for Teacher Education.

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

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

There was no objection.

PROVIDING FOR THE CONVEYANCE OF TITLE AND OWNERSHIP TO PROPERTY IN WYOMING, TO BEN BOSCHETTO, JR.

The Clerk called the bill (H.R. 10160) to provide for the conveyance of title and ownership to 2.58 acres within the Bridger-Teton National Forest, Wyo., to Ben Boschetto, Jr.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

CONVEYING ALL INTERESTS OF THE UNITED STATES IN CERTAIN REAL PROPERTY IN NEW MEXICO TO WALTER HERNANDEZ

The Clerk called the bill (H.R. 3121) to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. STAGGERS. Mr. Speaker, I make the point of order that a quorum is not present.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 413]

Alexander	Flippo	Poage
Allen	Florio	Pressler
Andrews, N.C.	Flowers	Quie
Applegate	Flynt	Rodino
Armstrong	Fountain	Roybal
Ashley	Fraser	Runnels
Baucus	Garcia	Ryan
Beilenson	Gibbons	Santini
Bevill	Hannaford	Sawyer
Bowen	Harrington	Scheuer
Broyhill	Harsha	Simon
Buchanan	Heckler	Skubitz
Burke, Calif.	Holland	St Germain
Carney	Howard	Stokes
Cederberg	Jenrette	Stump
Chappell	Kastenmeier	Teague
Cochran	Krueger	Thompson
Coleman	Livingston	Thornton
Conyers	McCloskey	Tsongas
Cotter	McDonald	Tucker
Danielson	Maguire	Ullman
Davis	Mathis	Waxman
Dellums	Minish	Whitten
Dent	Mollohan	Wiggins
Dickinson	Montgomery	Wilson, Bob
Diggs	Murphy, N.Y.	Wilson, C. H.
Dornan	Nichols	Wilson, Tex.
Drinan	Nix	Young, Alaska
Duncan, Oreg.	Oakar	Young, Tex.
Edwards, Ala.	Patten	Zeferetti
Edwards, Calif.	Pike	

The SPEAKER. On this rollcall 342 Members have recorded their presence by electronic device, a quorum.

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

COLLECTIVE BARGAINING AGREEMENT ACHIEVED IN NEW YORK CITY

(Mr. MOORHEAD of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, today the House is scheduled to begin consideration of H.R. 12426, New York City Financial Assistance Act of 1978.

In case any Members are not aware of the fact, yesterday evening the city and the unions for the general municipal employees reached a collective-bargaining agreement. I call the attention of Members to the lead article in today's New York Times, which describes the terms of that agreement.

An agreement could have been reached much sooner if our former colleague Ed Koch had not conducted tough collective-bargaining sessions cognizant of the fact that a balanced city budget is a prerequisite to Federal assistance under H.R. 12426.

ELDER BASEBALL TEAM—AAA CHAMPS

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

Mr. LUKEN. Mr. Speaker, I would like to call attention to what I believe to be a significant achievement on the part of some of the young people in my district. On Sunday, June 3, 1978, the Elder High School baseball team won the AAA Championship of the State of Ohio. This is the 9th time that Elder has captured the State title. The consistent success of the team is a great source of neighborhood pride.

I would like to give the coach, Jerry Federle, and the members of the team the recognition they deserve for the hard work and energy which went into obtaining this title. Heartiest congratulations for a job well done. The following article gives an account of the championship game.

PERCENTAGES BRING BASEBALL TROPHY "BACK HOME" AGAIN

(By Enos Pennington)

COLUMBUS.—The Ohio big-school baseball title returned to where it rightfully belongs if you happen to believe in percentages.

Elder's victory Saturday in the Ohio Class AAA high school baseball tournament was the 26th victory for a Cincinnati school in 51 years the tournament has been held. Add the four titles that nearby Western Hills High School has won to Elder's total of nine and one neighborhood of Cincinnati claims more than 25 per cent of the big-school titles. That's called domination.

Baseball is such a neighborhood affair in the Price Hill area that Ken Selby, who coached Western Hills to the 1977 state Class III title, did the scouting on Euclid, Elder's 5–3 victim in the championship game, for Elder coach Jerry Federle.

"I don't think anyone rooted any harder for us than Ken," said Federle, who now can boast of a state championship in only two years as a head baseball coach. "And I don't think anyone rooted any harder for Western Hills last year than Elder people. It's that much of a neighborhood thing."

Columbus was filled with excuses for Cincinnati's lock of the Class AAA baseball title. Some said it was the Reds. A winning major league team, Cleveland people noted, usually creates more interest in that city's baseball programs. A wire service writer said he loves to watch Cincinnati high school teams because they're so well drilled in the fundamentals of baseball.

The best answer I heard in Columbus was that Cincinnati teams just don't expect to lose. And they don't. It came from an Elder player.

"You would hate to get all this way and not win," said Federle. "You may only get here once as a coach or player."

The odds were stacked in Elder's and Cincinnati's favors to return to Columbus soon. It's even money that they do.

The winning ways of the Cincinnati Reds may have rubbed off on Elder, but the way Reds manager Sparky Anderson handles pitchers didn't rub off on Federle. There's no luck in Federle's managerial bag.

It was the top of the seventh Saturday, the bases were loaded for Euclid with two out and Elder's 5–3 margin was suspect. A base hit of any proportion off Elder starter Tony Hetzer would have tied the score. A double could have cleared the bases and cleared Euclid's way to the state title.

Federle had his ace reliever—Joe Lind—cranked up in the bullpen.

"But there was no way I was going to put Joe in the game in that situation," said Federle. "I have a lot of respect for Lind, but I wasn't going to put that load on his shoulders. I was going to sink or swim with Tony."

Federle made the correct decision. Hetzer wasn't worried either. The gutsy Elder lefthander had the next Euclid batter's number. John Plantsek, Euclid's left-handed hitting first baseman, had fanned twice in his first three times up against Hetzer. His other try resulted in a pop up to the shortstop.

"I knew I could strike him out," said Hetzer. And he did. On six straight curve balls of varying speeds.

"I've built up a lot of confidence in my curve," said Hetzer. "Planisek did a great job of fighting off a couple pitches. But I knew I could get him if I got the pitch where I wanted it."

"It was just one hell of an effort by Tony," said Federle. "A courageous effort."

A first-inning Elder error opened the way for two unearned runs by Euclid.

The Panthers, who concluded their season at 26–5, got one of the runs back in their half of the first when Tim Murray walked, stole second, went to third on a bad throw by Euclid catcher Greg Wanchim and scored on a sacrifice fly by Greg Bleh.

Elder went ahead 4–3 with three unearned runs in the fourth. Butch Manney opened with a single and moved to second when Greg Langenbrunner reached on an error. Manney scored when Euclid pitcher Stan Kellers threw the ball past third after fielding a sacrifice bunt by Mike Ramstetter. Langenbrunner and Ramstetter then scored on a double by Chris Ward.

The final Elder run came in the sixth when Ramstetter was hit by a pitch, moved to third on a stolen base and throwing error by Wanchim and scored on Ward's second hit of the game.

Ward pulled off a fielding gem in the seventh to save at least one run when he fielded a smash off the bat of Carl Pungerchar and forced Wanchim at second for the second out. Hetzer was then nailed for two solid singles before striking out Planisek.

Middletown Fenwick's quest for the Class A title ended in a nightmare for the Falcons. Hicksville, a small community located on the Indiana state line in northwest Ohio, scored nine times in the top of the eighth to record an 11–2 victory over the Falcons.

STATE CLASS AAA CHAMPIONSHIP

				R	H	E
Euclid	200	000	1—3	9	6	
Elder	100	301	0—5	3	3	

(12KS)

WP—Hetzler, LP—Kellers; 2B Ward (E), Drobnick (Euc); hitting leaders Ward (E) 2–2 and 3 rbi, Lynn (Euc) 2–4, Drobnick (Euc) 2–3, Marie (Euc) 2–3.

PERMISSION FOR SUBCOMMITTEE ON INVESTIGATIONS AND REVIEW OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY AND ON WEDNESDAY AND THURSDAY OF THIS WEEK DURING 5-MINUTE RULE

Mr. GINN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations and Review of the Committee on Public Works and Transportation may be permitted to sit today, and on Wednesday, June 7, and Thursday, June 8, 1978 during the 5-minute rule, for the purpose of completion of oversight hearings on the subject of seatbelt safety.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the question of the gentleman from Georgia?

There was no objection.

REDUCTION IN SPENDING NEEDED

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

Mr. LEVITAS. Mr. Speaker, I have heard a report that the administration is going to recommend an additional $4 billion reduction in the proposed tax cut in order to help reduce the deficit.

While I very strongly believe we have to reduce the deficit, I am disturbed that the attack upon this problem was not brought about by a reduction in spending in the $500 billion budget. That is where cuts need to be made.

Mr. Speaker, today is primary day in California. There will be a referendum on the ballot, proposition 13, which will reduce taxes. It is there because the people of America know they have had enough. It is there because the people are fed up with bloated budgets and too much government. They have had enough. I do not know what the outcome of that referendum will be, but if I lived in California, I would vote for proposition 13. I have had enough, too.

GENERAL HAIG TO APPEAR BEFORE SUBCOMMITTEE ON NATO

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

Mr. DAN DANIEL. Mr. Speaker, I commend our colleague from Ohio, Mr. SEIBERLING, for his statement and for submitting for publication the article regarding NATO. As chairman of the Subcommittee on NATO Standardization, Interoperability and Readiness, his is a concern I share.

In our hearings we are finding many areas of deficiency,

One of the primary problem areas is that of command and control. The differences in methods and in equipment are so numerous and pervasive as to make effective coordination all but impossible.

The current shortfall in reserve forces is so extensive that mobilization and readiness will be seriously hampered.

Our logistics problems are also significant. The probability of timely resupply is predicated on extensive planning and a lot of luck.

There can be no question but that the Soviet Union has embarked on military ventures in virtually every corner of the world. A strategy of encirclement is evolving. For this reason, if for no other, it is vital to our national interests to preserve and defend mutually what is left of the free world.

This afternoon at 2 p.m., Gen. Alexander M. Haig, Jr., commander in chief, U.S. European Command, will appear before our subcommittee in room 2119, Rayburn House Office Building. Any Members who desire to attend that meeting will be welcomed.

A MUCH NEEDED DEMONSTRATION OF DEMOCRACY

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

Mr. CONTE. Mr. Speaker, as the world's sport eyes turn toward the world cup championship (soccer) games in Buenos Aires, Argentina, I raise a proposition that would demonstrate the great democratic strides made in Argentina over the past few years to the watching world.

I am referring to the continued house arrest of an individual, persecuted for 14 long, lonely months. As my colleagues may remember, I recently took the floor to explain the plight of Mr. Jacobo Timerman, the former editor of the respected national newspaper, La Opinion. Mr. Timerman was arrested and incarcerated over a year ago, while the government tried in vain to substantiate the accusations made against him for vague financial wrongdoings. Failing to justify his imprisonment, the officials released Mr. Timerman, but refused to allow him to leave the country. Today, Mr. Timerman remains under the protection of 40 military guards, while the sluggish judicial system refuses to set a hearing date to clear his name, and allow him to emigrate. However, while awaiting this procedural process, Mr. Timerman and his family have been placed in serious danger, as demonstrated by the assignment of 40 guards.

I believe my colleagues agree with me, that this charade has gone on long enough. As the world focuses on the games, I suggest the best example of "the return to democracy," that can be demonstrated in Argentina, is the safe emigration of Mr. Timerman and his family. The time is perfect for the leaders of that emerging country to make this magnanimous act, while the eyes of the world watch with great jubilation.

I urge the officials of Argentina to effectively demonstrate their "return to democracy" and allow Mr. Timerman and his family to leave. Nothing will have a greater impact on the eyes or the minds of the freedom-loving individuals of the world.

URGING PRESIDENT CARTER TO IGNORE PROPOSAL TO REDUCE DOMESTIC MEAT PRICES BY INCREASING IMPORTS OF FOREIGN BEEF

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

Mr. WAMPLER. Mr. Speaker, I understand President Carter is considering a proposal by his advisers to reduce domestic meat prices by increasing imports of foreign beef. If taken, this action would be devastating to the U.S. cattle industry and result in even higher meat prices in the long run—as domestic cattle producers are driven out of business by cheaper foreign imports.

I have today sent a telegram to the President urging him to refrain from such action—and I urge Members of this body to consider similar messages in an attempt to alert the White House to this problem. I believe it is obvious that the present situation in the cattle industry—which is just now starting to recover from several years of bad drought and low prices compounded by rising inflation—needs to be brought to the President's attention.

The text of my telegram to Mr. Carter follows:

> I understand you are considering a proposal by your advisers to reduce domestic meat prices by increasing imports of foreign beef. For the sake of the U.S. cattle industry and the long-range stability of consumer prices, I respectfully urge you to refrain from such action at this time. At best, it would do little to curb meat prices; at worst, it would impair the ability of the cattle industry to continue to produce meat at reasonable prices. As you know, the cattle industry is just now starting to recover from five bad years of drought and low prices compounded by rising inflation. Opening the flood gates to foreign meat imports would seriously disrupt this recovery and contribute to even higher beef prices in the long-run due to the reduced number of producers able to survive such action.

AMERICAN SPORTS FISHERMEN WELCOMED ON CANADIAN SIDE OF GREAT LAKES

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

Mr. LATTA. Mr. Speaker, yesterday I called the attention of the House to the ridiculous controversy which has been going on between Canada and the United States over hook and line fishing in the Great Lakes. I am pleased to announce that last night Canada decided not to retaliate against the United States ban on Canadians, and will welcome American sports fishermen on its side of the Great Lakes.

Fisheries Minister Romeo Leblanc said yesterday:

> Canadian waters are, in fact, open to recreational and sport fishermen at the moment and for the foreseeable future.

This fishing dispute arose on the west coast and does not involve the Great Lakes. Hopefully, it will be resolved very quickly. I might announce to those Members interested in seeing this matter quickly resolved, there will be a meeting with the State Department at 2 o'clock this afternoon in room 1334. You are welcome to attend.

AMERICAN SPORTS FISHERMEN WELCOMED ON CANADIAN SIDE OF GREAT LAKES

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

Mr. McEWEN. Mr. Speaker, I think we should all commend our colleague from Ohio (Mr. LATTA) for bringing this matter to the attention of the House. It certainly was not anticipated that this fishery problem should spill over into the Great Lakes, and particularly into the sports fisheries of the Great Lakes.

I share the feelings of my colleague from Ohio when he commends Minister Leblanc, Fisheries Minister of Canada, and External Affairs Minister Jamieson for not reciprocating against the action

taken by the United States. I hope, Mr. Speaker, that our enforcement officers may be less than zealous in their efforts until we can get this matter resolved and thereby not interfere with the people of both of our Nations enjoying the great sports fisheries in the Great Lakes.

MRS. YOUNG HEE KIM KANG, HEE JAE KANG, HEE JIN KANG, AND HEE SOO KANG

Mr. EILBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3996) for the relief of Mrs. Young Hee Kim Kang, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That, for the purposes of the Immigration and Nationality Act, notwithstanding the death on September 15, 1975, of Jun Kun Kang, who was the beneficiary of an approved petition filed April 22, 1974, in his behalf by his brother, Stanley Shin Kang, a citizen of the United States, Young Hee Kim Kang, the spouse of Jun Kun Kang, and their children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang shall, if otherwise eligible, be entitled to fifth preference status under section 203(a)(9) of the Act as of April 22, 1974.

Amend the title so as to read: "An Act for the relief of Young Hee Kim Kang and her children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang.".

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

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2401, EMERGENCY INTERIM CONSUMER PRODUCT SAFETY RULE ACT OF 1978

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2401) to amend the Consumer Product Safety Act to establish an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of certain insulation, and for other purposes, with a House amendment thereto, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, ECKHARDT, METCALFE, KRUEGER, CARNEY, LUKEN, MOSS, DEVINE, BROYHILL, and RINALDO.

MARKETING PRACTICES ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 130) to provide for the protection of franchised distributors and retailers of motor fuel and to encourage conservation of automotive gasoline and competition in the marketing of such gasoline by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Petroleum Marketing Practices Act".

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TITLE I—FRANCHISE PROTECTION

DEFINITIONS

SEC. 101. As used in this title:

(1) (A) The term "franchise" means any contract—

(i) between a refiner and a distributor,

(ii) between a refiner and a retailer,

(iii) between a distributor and another distributor, or

(iv) between a distributor and a retailer, under which a refiner or distributor (as the case may be) authorizes or permits a retailer or distributor to use, in connection with the sale, consignment, or distribution of motor fuel, a trademark which is owned or controlled by such refiner or by a refiner which supplies motor fuel to the distributor which authorizes or permits such use.

(B) The term "franchise" includes—

(i) any contract under which a retailer or distributor (as the case may be) is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by such refiner or by a refiner which supplies motor fuel to the distributor which authorizes or permits such occupancy;

(ii) any contract pertaining to the supply of motor fuel which is to be sold, consigned or distributed—

(I) under a trademark owned or controlled by a refiner; or

(II) under a contract which has existed continuously since May 15, 1973, and pursuant to which, on May 15, 1973, motor fuel was sold, consigned or distributed under a trademark owned and controlled on such date by a refiner; and

(iii) the unexpired portion of any franchise, as defined by the preceding provisions of this paragraph, which is transferred or assigned as authorized by the provisions of such franchise or by any applicable provision of State law which permits such transfer or assignment without regard to any provision of the franchise.

(2) The term "franchise relationship" means the respective motor fuel marketing or distribution obligations and responsibilities of a franchisor and a franchisee which result from the marketing of motor fuel under a franchise.

(3) The term "franchisor" means a refiner or distributor (as the case may be) who authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

(4) The term "franchisee" means a retailer or distributor (as the case may be) who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

(5) The term "refiner" means any person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person.

(6) The term "distributor" means any person, including any affiliate of such person, who—

(A) purchases motor fuel for sale, consignment, or distribution to another; or

(B) receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier, but shall not include a person who is an employee of, or merely serves as a common carrier providing transportation service for, such supplier.

(7) The term "retailer" means any person who purchases motor fuel for sale to the general public for ultimate consumption.

(8) The term "marketing premises" means, in the case of any franchise, premises which, under such franchise, are to be employed by the franchisee in connection with the sale, consignment, or distribution of motor fuel.

(9) The term "leased marketing premises" means marketing premises owned, leased, or in any way controlled by a franchisor and which the franchisee is authorized or permitted, under the franchise, to employ in connection with the sale, consignment, or distribution of motor fuel.

(10) The term "contract" means any oral or written agreement. For supply purposes, delivery levels during the same month of the previous year shall be prima facie evidence of an agreement to deliver such levels.

(11) The term "trademark" means any trademark, trade name, service mark, or other identifying symbol or name.

(12) The term "motor fuel" means gasoline and diesel fuel of a type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways.

(13) The term "failure" does not include—

(A) any failure which is only technical or unimportant to the franchise relationship; or

(B) any failure for a cause beyond the reasonable control of the franchisee.

(14) The terms "fail to renew" and "nonrenewal" mean, with respect to any franchise relationship, a failure to reinstate, continue, or extend the franchise relationship—

(A) at the conclusion of the term, or on the expiration date, stated in the relevant franchise;

(B) at any time, in the case of the relevant franchise which does not state a term of duration or an expiration date; or

(C) following a termination (on or after the date of enactment of this Act) of the relevant franchise which was entered into prior to such date of enactment and has not been renewed after such date.

(15) The term "affiliate" means any person who (other than by means of a franchise) controls, is controlled by, or is under common control with, any other person.

(16) The term "relevant geographic market area" includes a State or a standard metropolitan statistical area as periodically established by the Office of Management and Budget.

(17) The term "termination" includes cancellation.

(18) The term "commerce" means any trade, traffic, transportation, exchange, or other commerce—

(A) between any State and any place outside of such State; or

(B) which affects any trade, transportation, exchange, or other commerce described in subparagraph (A).

(19) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

FRANCHISE RELATIONSHIP; TERMINATION AND NONRENEWAL

SEC. 102. (a) Except as provided in subsection (b) and section 103, no franchisor engaged in the sale, consignment, or distribution of motor fuel in commerce may—

(1) terminate any franchise (entered into or renewed on or after the date of enactment of this Act) prior to the conclusion of the term, or the expiration date, stated in the franchise; or

(2) fail to renew any franchise relationship (without regard to the date on which the relevant franchise was entered into or renewed).

(b) (1) Any franchisor may terminate any franchise (entered into or renewed on or after the date of enactment of this Act) or may fail to renew any franchise relationship, if—

(A) the notification requirements of section 104 are met; and

(B) such termination is based upon a ground described in paragraph (2) or such nonrenewal is based upon a ground described in paragraph (2) or (3).

(2) For purposes of this subsection, the following are grounds for termination of a franchise or nonrenewal of a franchise relationship:

(A) A failure by the franchisee to comply with any provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, if the franchisor first acquired actual or constructive knowledge of such failure—

(i) not more than 120 days prior to the date on which notification of termination or nonrenewal is given, if notification is given pursuant to section 104(a); or

(ii) not more than 60 days prior to the date on which notification of termination or nonrenewal is given, if less than 90 days notification is given pursuant to section 104(b)(1).

(B) A failure by the franchisee to exert good faith efforts to carry out the provisions of the franchise, if—

(i) the franchisee was apprised by the franchisor in writing of such failure and was afforded a reasonable opportunity to exert good faith efforts to carry out such provisions; and

(ii) such failure thereafter continued within the period which began not more than 180 days before the date notification of termination or nonrenewal was given pursuant to section 104.

(C) The occurrence of an event which is relevant to the franchise relationship and as a result of which termination of the franchise or nonrenewal of the franchise relationship is reasonable, if such event occurs during the period the franchise is in effect and the franchisor first acquired actual or constructive knowledge of such occurrence—

(i) not more than 120 days prior to the date on which notification of termination or nonrenewal is given, if notification is given pursuant to section 104(a); or

(ii) not more than 60 days prior to the date on which notification of termination or nonrenewal is given, if less than 90 days notification is given pursuant to section 104(b)(1).

(D) An agreement, in writing, between the franchisor and the franchisee to terminate the franchise or not to renew the franchise relationship, if—

(i) such agreement is entered into not more than 180 days prior to the date of such termination or, in the case of nonrenewal, not more than 180 days prior to the conclusion of the term, or the expiration date, stated in the franchise;

(ii) the franchisee is promptly provided with a copy of such agreement, together with the summary statement described in section 104(d); and

(iii) within 7 days after the date on which the franchise is provided a copy of such agreement, the franchisee has not posted by certified mail a written notice to the franchisor repudiating such agreement.

(E) In the case of any franchise entered into prior to the date of the enactment of this Act and in the case of any franchise entered into or renewed on or after such date (the term of which is 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located, if—

(i) such determination—

(I) was made after the date such franchise was entered into or renewed, and

(II) was based upon the occurrence of changes in relevant facts and circumstances after such date;

(ii) the termination or nonrenewal is not for the purpose of converting the premises, which are the subject of the franchise, to operation by employees or agents of the franchisor for such franchisor's own account; and

(iii) in the case of leased marketing premises—

(I) the franchisor, during the 180-day period after notification was given pursuant to section 104, either made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interests in such premises, or, if applicable, offered the franchisee a right of first refusal of at least 45 days duration of an offer, made by another, to purchase such franchisor's interest in such premises; or

(II) in the case of the sale, transfer, or assignment to another person of the franchisor's interest in such premises in connection with the sale, transfer, or assignment to such other person of the franchisor's interest in one or more other marketing premises, if such other person offers, in good faith, a franchise to the franchisee on terms and conditions which are not discriminatory to the franchisee as compared to franchises then currently being offered by such other person or franchises then in effect and with respect to which such other person is the franchisor.

(3) For the purpose of this subsection, the following are grounds for nonrenewal of a franchise relationship:

(A) The failure of the franchisor and the franchisee to agree to changes or additions to the provisions of the franchise, if—

(i) such changes or additions are the result of determinations made by the franchisor in good faith and in the normal course of business; and

(ii) such failure is not the result of the franchisor's insistence upon such changes or additions for the purpose of preventing the renewal of the franchise relationship.

(B) The receipt of numerous bona fide customer complaints by the franchisor concerning the franchisee's operation of the marketing premises, if—

(i) the franchisee was promptly apprised of the existence and nature of such complaints following receipt of such complaints by the franchisor; and

(ii) if such complaints related to the condition of such premises or to the conduct of any employee of such franchisee, the franchisee did not promptly take action to cure or correct the basis of such complaints.

(C) A failure by the franchisee to operate the marketing premises in a clean, safe, and healthful manner, if the franchisee failed to do so on two or more previous occasions and the franchisor notified the franchisee of such failures.

(D) In the case of any franchise entered into prior to the date of the enactment of this Act (the unexpired term of which, on such date of enactment, is 3 years or longer) and, in the case of any franchise entered into or renewed on or after such date (the term of which was 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business, if—

(i) such determination is—

(I) to convert the leased marketing premises to a use other than the sale or distribution of motor fuel,

(II) to materially alter, add to, or replace such premises,

(III) to sell such premises, or

(IV) that renewal of the franchise relationship is likely to be uneconomical to the franchisor despite any reasonable changes or reasonable additions to the provisions of the franchise which may be acceptable to the franchisee;

(ii) with respect to a determination referred to in subclause (II) or (IV), such determination is not made for the purpose of converting the leased marketing premises to operation by employees or agents of the franchisor for such franchisor's own account; and

(iii) in the case of leased marketing premises such franchisor, during the 90-day period after notification was given pursuant to section 104, either—

(I) made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interests in such premises; or

(II) if applicable, offered the franchisee a right of first refusal of at least 45-days duration of an offer, made by another, to purchase such franchisor's interest in such premises.

(c) As used in subsection (b)(2)(C), the term "an event which is relevant to the franchise relationship and as a result of which termination of the franchise or nonrenewal of the franchise relationship is reasonable" includes events such as—

(1) fraud or criminal misconduct by the franchisee relevant to the operation of the marketing premises;

(2) declaration of bankruptcy or judicial determination of insolvency of the franchisee;

(3) continuing severe physical or mental disability of the franchisee of at least 3 months duration which renders the franchisee unable to provide for the continued proper operation of the marketing premises;

(4) loss of the franchisor's right to grant possession of the leased marketing premises through expiration of an underlying lease, if the franchisee was notified in writing, prior to the commencement of the term of the then existing franchise—

(A) of the duration of the underlying lease, and

(B) of the fact that such underlying lease might expire and not be renewed during the term of such franchise (in the case of termination) or at the end of such term (in the case of nonrenewal);

(5) condemnation or other taking, in whole or in part, of the marketing premises pursuant to the power of eminent domain;

(6) loss of the franchisor's right to grant the right to use the trademark which is the subject of the franchise, unless such loss was due to trademark abuse, violation of Federal or State law, or other fault or

negligence of the franchisor, which such abuse, violation, or other fault or negligence is related to action taken in bad faith by the franchisor;

(7) destruction (other than by the franchisor) of all or a substantial part of the marketing premises;

(8) failure by the franchisee to pay to the franchisor in a timely manner when due all sums to which the franchisor is legally entitled;

(9) failure by the franchisee to operate the marketing premises for—

(A) 7 consecutive days, or

(B) such lesser period which under the facts and circumstances constitutes an unreasonable period of time;

(10) willful adulteration, mislabeling or misbranding of motor fuels or other trademark violations by the franchisee;

(11) knowing failure of the franchisee to comply with Federal, State, or local laws or regulations relevant to the operation of the marketing premises; and

(12) conviction of the franchisee of any felony involving moral turpitude.

(d) In the case of any termination of a franchise (entered into or renewed on or after the date of enactment of this Act), or in the case of any nonrenewal of a franchise relationship (without regard to the date on which such franchise relationship was entered into or renewed)—

(1) if such termination or nonrenewal is based upon an event described in subsection (c)(5), the franchisor shall fairly apportion between the franchisor and the franchisee compensation, if any, received by the franchisor based upon any loss of business opportunity or good will; and

(2) if such termination or nonrenewal is based upon an event described in subsection (c)(7) and the leased marketing premises are subsequently rebuilt or replaced by the franchisor and operated under a franchise, the franchisor shall, within a reasonable period of time, grant to the franchisee a right of first refusal of the franchise under which such premises are to be operated.

TRIAL FRANCHISES AND INTERIM FRANCHISES; NONRENEWAL

SEC. 103. (a) The provisions of section 102 shall not apply to the nonrenewal of any franchise relationship—

(1) under a trial franchise; or

(2) under an interim franchise.

(b) For purposes of this section—

(1) The term "trial franchise" means any franchise—

(A) which is entered into on or after the date of enactment of this Act;

(B) the franchisee of which has not previously been a party to a franchise with the franchisor;

(C) the initial term of which is for a period of not more than 1 year; and

(D) which is in writing and states clearly and conspicuously—

(i) that the franchise is a trial franchise;

(ii) the duration of the initial term of the franchise;

(iii) that the franchisor may fail to renew the franchise relationship at the conclusion of the initial term stated in the franchise by notifying the franchisee, in accordance with the provisions of section 104, of the franchisor's intention now to renew the franchise relationship; and

(iv) that the provisions of section 102, limiting the right of a franchisor to fail to renew a franchise relationship, are not applicable to such trial franchise.

(2) The term "trial franchise" does not include any unexpired period of any term of any franchise (other than a trial franchise, as defined by paragraph (1)) which was transferred or assigned by a franchise to the extent authorized by the provisions of the franchise or any applicable provision of State law which permits such transfer or assignment, without regard to any provision of the franchise.

(3) The term "interim franchise" means any franchise—

(A) which is entered into on or after the date of the enactment of this Act;

(B) the term of which, when combined with the terms of all prior interim franchises between the franchisor and the franchisee, does not exceed 3 years;

(C) the effective date of which occurs immediately after the expiration of a prior franchise, applicable to the marketing premises, which was not renewed if such nonrenewal—

(i) was based upon a determination described in section 102(b)(2)(E), and

(ii) the requirements of section 102(b)(2)(E) were satisfied; and

(D) which is in writing and states clearly and conspicuously—

(i) that the franchise is an interim franchise;

(ii) the duration of the franchise; and

(iii) that the franchisor may fail to renew the franchise at the conclusion of the term stated in the franchise based upon a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located if the requirements of section 102(b)(2)(E) (ii) and (iii) are satisfied.

(c) If the notification requirements of section 104 are met, any franchisor may fail to renew any franchise relationship—

(1) under any trial franchise, at the conclusion of the initial term of such trial franchise; and

(2) under any interim franchise, at the conclusion of the term of such interim franchise, if—

(a) such nonrenewal is based upon a determination described in section 102(b)(2)(E); and

(B) the requirements of section 102(b)(2)(E) (ii) and (iii) are satisfied.

NOTIFICATION OF TERMINATION OR NONRENEWAL

SEC. 104. (a) Prior to termination of any franchise or nonrenewal of any franchise relationship, the franchisor shall furnish notification of such termination or such nonrenewal to the franchise who is a party to such franchise or such franchise relationship—

(1) in the manner described in subsection (c); and

(2) except as provided in subsection (b), not less than 90 days prior to the date on which such termination or nonrenewal takes effect.

(b)(1) In circumstances in which it would not be reasonable for the franchisor to furnish notification, not less than 90 days prior to the date on which termination or nonrenewal takes effect, as required by subsection (a)(2)—

(A) such franchisor shall furnish notification to the franchisee affected thereby on the earliest date on which furnishing of such notification is reasonably practicable; and

(B) in the case of leased marketing premises, such franchisor—

(i) may not establish a new franchise relationship with respect to such premises before the expiration of the 30-day period which begins—

(I) on the date notification was posted or personally delivered, or

(II) if later, on the date on which such termination or nonrenewal takes effect; and

(ii) may, if permitted to do so by the franchise agreement, repossess such premises and, in circumstances under which it would be reasonable to do so, operate such premises through employees or agents.

(2) In the case of any termination of any franchise or any nonrenewal of any franchise relationship pursuant to the provisions of section 102(b)(2)(E) or section 103(c)(2), the franchisor shall—

(A) furnish notification to the franchisee not less than 180 days prior to the date on which such termination or nonrenewal takes effect; and

(B) promptly provide a copy of such notification, together with a plan describing the schedule and conditions under which the franchisor will withdraw from the marketing of motor fuel through retail outlets in the relevant geographic area, to the Governor of each State which contains a portion of such area.

(c) Notification under this section—

(1) shall be in writing;

(2) shall be posted by certified mail or personally delivered to the franchise; and

(3) shall contain—

(A) a statement of intention to terminate the franchise or not to renew the franchise relationship, together with the reasons therefor;

(B) the date on which such termination or nonrenewal takes effect; and

(C) the summary statement prepared under subsection (d).

(d)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall prepare and publish in the Federal Register a simple and concise summary of the provisions of this title, including a statement of the respective responsibilities of, and the remedies and relief available to, any franchisor and franchisee under this title.

(2) In the case of summaries required to be furnished under the provisions of section 102(b)(2)(D) or subsection (c)(3)(C) of this section before the date of publication of such summary in the Federal Register, such summary may be furnished not later than 5 days after it is so published rather than at the time required under such provisions.

ENFORCEMENT

SEC. 105. (a) If a franchisor fails to comply with the requirements of section 102 or 103, the franchisee may maintain a civil action against such franchisor. Such action may be brought, without regard to the amount in controversy, in the district court of the United States in any judicial district in which the principal place of business of such franchisor is located or in which such franchisee is doing business, except that no such action may be maintained unless commenced within 1 year after the later of—

(1) the date of termination of the franchise or nonrenewal of the franchise relationship; or

(2) the date the franchisor fails to comply with the requirements of section 102 or 103.

(b)(1) In any action under subsection (a), the court shall grant such equitable relief as the court determines is necessary to remedy the effects of any failure to comply with the requirements of section 102 or 103, including declaratory judgment, mandatory or prohibitive injunctive relief, and interim equitable relief.

(2) Except as provided in paragraph (3), in any action under subsection (a), the court shall grant a preliminary injunction if—

(A) the franchisee shows—

(i) the franchise of which he is a party has been terminated or the franchise relationship of which he is a party has not been renewed, and

(ii) there exist sufficiently serious questions going to the merits to make such questions a fair ground for litigation; and

(B) the court determines that, on balance, the hardships imposed upon the franchisor by the issuance of such preliminary injunctive relief will be less than the hardship

which would be imposed upon such franchisee if such preliminary injunctive relief were not granted.

(3) Nothing in this subsection prevents any court from requiring the franchisee in any action under subsection (a) to post a bond, in an amount established by the court, prior to the issuance or continuation of any equitable relief.

(4) In any action under subsection (a), the court need not exercise its equity powers to compel continuation or renewal of the franchise relationship if such action was commenced—

(A) more than 90 days after the date on which notification pursuant to section 104(a) was posted or personally delivered to the franchisee;

(B) more than 180 days after the date on which notification pursuant to section 104 (b)(2) was posted or personally delivered to the franchisee; or

(C) more than 30 days after the date on which the termination of such franchise or the nonremoval of such franchise relationship takes effect if less than 90 days notification was provided pursuant to section 104(b)(1).

(c) In any action under subsection (a), the franchisee shall have the burden of proving the termination of the franchise or the nonrenewal of the franchise relationship. The franchisor shall bear the burden of going forward with evidence to establish as an affirmative defense that such termination of nonrenewal was permitted under section 102(b) or 103, and if applicable, that such franchisor complied with the requirements of section 102(d).

(d)(1) If the franchise prevails in any action under subsection (a), such franchisee shall be entitled—

(A) consistent with the Federal Rules of Civil Procedure, to actual damages;

(B) in the case of any such action which is based upon conduct of the franchisor which was in willful disregard of the requirements of section 102 or 103, or the rights of the franchisee thereunder, to exemplary damages, where appropriate; and

(C) to reasonable attorney and expert witness fees to be paid by the franchisor, unless the court determines that only nominal damages are to be awarded to such franchisee, in which case the court, in its discretion, need not direct that such fees be paid by the franchisor.

(2) The question of whether to award exemplary damages and the amount of any such award shall be determined by the court and not by a jury.

(3) In any action under subsection (a), the court may, in its discretion, direct that reasonable attorney and expert witness fees be paid by the franchisee if the court finds that such action is frivolous.

(e)(1) In any action under subsection (a) with respect to a failure of a franchisor to renew a franchise relationship in compliance with the requirements of section 102, the court may not compel a continuation or renewal of the franchise relationship if the franchisor demonstrates to the satisfaction of the court that—

(A) the basis for such nonrenewal is a determination made by the franchisor in good faith and in the normal course of business—

(i) to convert the leased marketing premises to a use other than the sale or distribution of motor fuel,

(ii) to materially alter, add to, or replace such premises,

(iii) to sell such premises,

(iv) to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located, or

(v) that renewal of the franchise relationship is likely to be uneconomical to the franchisor despite any reasonable changes or reasonable additions to the provisions of the franchise which may be acceptable to the franchisee; and

(B) the requirements of section 104 have been complied with.

(2) The provisions of paragraph (1) shall not affect any right of any franchisee to recover actual damages and reasonable attorney and expert witness fees under subsection (d) if such nonrenewal is prohibited by section 102.

RELATIONSHIP OF THIS TITLE TO STATE LAW

SEC. 106. (a) To the extent that any provision of this title applies to the termination (or the furnishing of notification with respect thereto) of any franchise, or to the nonrenewal (or the furnishing of notification with respect thereto) of any franchise relationship, no State or any political subdivision thereof may adopt, enforce, or continue in effect any provision of any law or regulation (including any remedy or penalty applicable to any violation thereof) with respect to termination (or the furnishing of notification with respect thereto) of any such franchise or to the nonrenewal (or the furnishing of notification with respect thereto) of any such franchise relationship unless such provision of such law or regulation is the same as the applicable provision of this title.

(b) Nothing in this title authorizes any transfer or assignment of any franchise or prohibits any transfer or assignment of any franchise as authorized by the provisions of such franchise or by any applicable provision of State law which permits such transfer or assignment without regard to any provision of the franchise.

TITLE II—OCTANE DISCLOSURE

DEFINITIONS

SEC. 201. As used in this title:

(1) The term "octane rating" means the rating of the antiknock characteristics of a grade or type of automotive gasoline as determined by dividing by 2 the sum of the research octane number plus the motor octane number, unless another procedure is prescribed under section 203(c)(3), in which case such term means the rating of such characteristics as determined under the procedure so prescribed.

(2) The terms "research octane number" and "motor octane number" have the meanings given such terms in the specifications of the American Society for Testing and Materials (ASTM) entitled "Standard Specifications for Automotive Gasoline" designated D 439 (as in effect on the date of the enactment of this Act) and, with respect to any grade or type of automotive gasoline, are determined in accordance with test methods set forth in ASTM standard test methods designated D 2699 and D 2700 (as in effect on such date).

(3) The term "knock" means the combustion of a fuel spontaneously in localized areas of a cylinder of a spark-ignition engine, instead of the combustion of such fuel progressing from the spark.

(4) The term "gasoline retailer" means any person who markets automotive gasoline to the general public for ultimate consumption.

(5) The term "refiner" means any person engaged in—

(A) the refining of crude oil to produce automotive gasoline; or

(B) the importation of automotive gasoline.

(6) The term "automotive gasoline" means gasoline of a type distributed for use as a fuel in any motor vehicle.

(7) The term "motor vehicle" means any self-propelled four-wheeled vehicle, of less than 6,000 pounds gross vehicle weight, which is designed primarily for use on public streets, roads, and highways.

(8) The term "new motor vehicle" means any motor vehicle the equitable or legal title to which has not previously been transferred to an ultimate purchaser.

(9) The term "ultimate purchaser" means, with respect to any item, the first person who purchases such item for purposes other than resale.

(10) The term "manufacturer" means any person who imports, manufactures, or assembles motor vehicles for sale.

(11) The term "octane requirement" means, with respect to automotive gasoline for use in a motor vehicle or a class thereof, imported, manufactured, or assembled by a manufacturer, the minimum octane rating of such automotive gasoline which such manufacturer recommends for the efficient operation of such motor vehicle, or a substantial portion of such class, without knocking.

(12) The term "model year" means a manufacturer's annual production period (as determined by the Federal Trade Commission) for motor vehicles or a class of motor vehicles. If a manufacturer has no annual production period, the term "model year" means the calendar year.

(13) The term "commerce" means any trade, traffic, transportation, exchange, or other commerce—

(A) between any State and any place outside of such State; or

(B) which affects any trade, transportation, exchange, or other commerce described in subparagraph (A).

(14) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and any other commonwealth, territory, or possession of the United States.

(15) The term "person", for purposes of applying any provision of the Federal Trade Commission Act with respect to any provision of this title, includes a partnership and a corporation.

(16) The term "distributor" means any person who receives gasoline and distributes such gasoline to another person other than the ultimate purchaser.

OCTANE TESTING AND DISCLOSURE REQUIREMENTS

SEC. 202. (a) Each refiner who distributes automotive gasoline in commerce shall—

(1) determine the octane rating of any such gasoline; and

(2) if such refiner distributes such gasoline to any person other than the ultimate purchaser, certify, consistent with the determination made under paragraph (1), the octane rating of such gasoline.

(b) Each distributor who receives automotive gasoline, the octane rating of which is certified to him under this section, and distributes such gasoline in commerce to another person other than the ultimate purchaser shall certify to such other person the octane rating of such gasoline consistent with—

(1) the octane rating of such gasoline certified to such distributor; or

(2) if such distributor elects (at such time and in such manner as the Federal Trade Commission may, by rule, prescribe), the octane rating of such gasoline determined by such distributor.

(c) Each gasoline retailer shall display in a clear and conspicuous manner, at the point of sale to ultimate purchasers of automotive gasoline, the octane rating of such gasoline, which octane rating shall be consistent with—

(1) the octane rating of such gasoline certified to such retailer under subsection (a)(2) or (b);

(2) if such gasoline retailer elects (at such time and in such manner as the Federal Trade Commission may, by rule, prescribe), the octane rating of such gasoline determined by such retailer for such gasoline; or

(3) if such gasoline retailer is a refiner, the octane rating of such gasoline determined under subsection (a)(1).

(d) The Federal Trade Commission shall, by rule, prescribe requirements, applicable to any manufacturer of new motor vehicles, with respect to the display on each such motor vehicle (or representation in connection with the sale of each such motor vehicle) of the octane requirement of such motor vehicle.

(e) No person who distributes automotive gasoline in commerce may make any representation respecting the antiknock characteristics of such gasoline unless such representation fairly discloses the octane rating of such gasoline consistent with such gasoline's octane rating as certified to or determined by such person under the foregoing provisions of this section.

(f) For purposes of this section, the octane rating of any automotive gasoline shall be considered to be certified, displayed, or represented by any person consistent with the rating certified to, or determined by, such person—

(1) in the case of automotive gasoline which consists of a blend of two or more quantities of automotive gasoline of differing octane ratings, only if the rating certified, displayed, or represented by such person is the average of the octane ratings of such quantities, weighted by volume; or

(2) in the case of gasoline which does not consist of such a blend, only if the octane rating such person certifies, displays, or represents is the same as the octane rating of such gasoline certified to, or determined by, such person.

(g) The foregoing provisions of this section shall not apply—

(1) to any representation (by displaying at the point of sale or by other means) of any characteristics of any automotive gasoline other than its octane rating; or

(2) to the identification of automotive gasoline at the point of sale (or elsewhere) by the trademark, trade name, or other identifying symbol or mark used in connection with the sale of such gasoline.

(h) Any display or representation, with respect to the octane requirement of any motor vehicle, required to be made under any rule prescribed under subsection (d) shall not create an express or implied warranty under State or Federal law that any automotive gasoline the octane rating of which equals or exceeds such octane requirement—

(1) may be used as a fuel in all motor vehicles of the same class as that motor vehicle without knocking; or

(2) may be used as a fuel in such motor vehicle under all operating conditions without knocking.

ADMINISTRATION AND ENFORCEMENT

SEC. 203. (a) The Federal Trade Commission shall have procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements of this title and rules prescribed pursuant to the requirements of this title, to further define terms used in this title, and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title.

(b)(1) The Environmental Protection Agency shall—

(A) conduct field testing of the octane rating of automotive gasoline, comparing the tested octane rating of gasoline at retail outlets with the octane rating posted at those outlets;

(B) certify the results of such tests and comparisons to the Federal Trade Commission; and

(C) notify the Federal Trade Commission of any failure to post the octane rating discovered in the course of such field testing.

(2) The Federal Trade Commission may enter into interagency agreements with the Environmental Protection Agency and such other agencies of the United States as the Commission determines appropriate for the purpose of assuring enforcement of the provisions of this title in a manner which is consistent with—

(A) minimizing the cost of field inspection and related compliance activities; and

(B) reducing duplication of similar or related field compliance activities performed by agencies of the United States.

(c)(1) Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall, by rule, prescribe and make effective—

(A) a uniform method by which a person may certify to another the octane rating of automotive gasoline; and

(B) a uniform method of displaying the octane rating of automotive gasoline at the point of sale to ultimate purchasers.

(2) Effective on and after the effective date of the rule prescribed under paragraph (1), any person—

(A) shall be considered to satisfy the requirements of subsection (a) or (b) of section 202, as the case may be, only if such person complies with the requirements established pursuant to paragraph (1)(A); and

(B) shall be considered to satisfy the requirements of section 202(c) only if such person complies with the requirements established pursuant to paragraph (1)(B).

(3) The Federal Trade Commission may, by rule, prescribe procedures for determination of the octane rating of automotive gasoline which varies from that prescribed in section 201(1). In prescribing such rule, the Commission—

(A) shall consider—

(i) ease of administration and enforcement; and

(ii) industry practices in the distribution and marketing of automotive gasoline; and

(B) may permit adjustments in such octane rating to take into account the effects of altitude, temperature, and humidity.

(4) The Federal Trade Commission may, by rule, prescribe and make effective a method of determining the octane rating of automotive gasoline which consists of a blend of two or more quantities of automotive gasoline of different octane ratings if the Federal Trade Commission finds that the method prescribed more accurately reflects the octane rating of such blend than the weighted-average method set forth in section 202(f)(1). Effective on and after the effective date of such rule, any person shall be considered to satisfy the requirements of section 202(f)(1) only if such person utilizes the method prescribed in such rule (in lieu of the method set forth in section 202(f)(1)).

(d)(1) Except as provided in paragraph (2), rules under this title shall be prescribed in accordance with section 553 of title 5, United States Code, except that interested persons shall be afforded an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

(2) Rules prescribed under subsection (c)(3) and section 202(d) shall be prescribed on the record after opportunity for an agency hearing.

(3) Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) shall not apply with respect to any rule prescribed under this title.

(e) It shall be an unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1) of the Federal Trade Commission Act) for any person to violate subsection (a), (b), (c), or (e) of section 202, or a rule prescribed under subsection (d) of such section. For purposes of the Federal Trade Commission Act (including any remedy or penalty applicable to any violation thereof) such a violation shall be treated as a violation of a rule under such Act respecting unfair or deceptive acts or practices; except that for purposes of section 5(m)(1)(A) of such Act, the term "or knowledge fairly implied on the basis of objective circumstances" shall not apply to any violation by any gasoline retailer of the requirements of section 202(c) or (e).

RELATIONSHIP OF THIS TITLE TO STATE LAW

SEC. 204. To the extent that any provision of this title applies to any act or omission, no State or any political subdivision thereof may adopt, enforce, or continue in effect any provision of any law or regulation (including any remedy or penalty applicable to any violation thereof) with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this title.

EFFECTIVE DATES

SEC. 205. (a) Sections 202(a)(1) and 203(b) shall take effect on the first day of the first calendar month beginning more than 6 months after the date of the enactment of this Act.

(b) Subsections (a)(2), (b), (c), and (e) of section 202 shall take effect on the first day of the first calendar month beginning more than 9 months after such date of enactment.

(c) Rules under section 202(d) may not take effect earlier than the beginning of the first motor vehicle model year which begins more than 9 months after such date of enactment.

TITLE III—STUDY OF SUBSIDIZATION OF MOTOR FUEL MARKETING

SEC. 301. (a) The Secretary of Energy, in consultation with the Chairman of the Federal Trade Commission and the Attorney General and other agencies as the Secretary deems appropriate, shall conduct a study of the extent to which producers, refiners, and other suppliers of motor fuel subsidize the sale of such motor fuel at retail or wholesale with profits obtained from other operations.

(b) Such study shall examine—

(1) the role of vertically integrated operations in facilitating subsidization of sales of motor fuel at wholesale or retail;

(2) the extent to which such subsidization is predatory and presents a threat to competition;

(3) the profitability of various segments of the petroleum industry;

(4) the impact of prohibiting such subsidization on the competitive viability of various segments of the petroleum industry, on prices of motor fuel to consumers and on the health and structure of the petroleum industry as a whole; and

(5) such other matters as the Secretary considers appropriate.

(c) In conducting the study required by this section, the Secretary shall give appropriate notice and afford interested persons an opportunity to present written and oral data, views and arguments concerning such study.

(d)(1) The Secretary shall report the results of the study required by this section, together with such recommendations for legislative action and such statistical evidence as he deems appropriate to the Congress on or before the expiration of the eighteenth month after the date of enactment of this section.

(2) If the President determines that interim measures are necessary and appropriate to maintain the competitive viability of the marketing sector of the petroleum industry during Congressional consideration of the recommendations contained in the report submitted under paragraph (1), he shall prescribe, by rule, in accordance with the procedures set forth in section 523(a) of the Energy Policy and Conservation Act (42 U.S.C. 6393) such interim measures.

(3) No interim measure proposed by the President under this section may be sub-

mitted after January 1, 1980, and the effect of such measures if approved by the Congress under paragraph (4) may not extend beyond 18 months after such Congressional approval.

(4) Such interim measures shall not take effect unless approved by both Houses of Congress as if it were a contingency plan under section 552 of the Energy Policy and Conservation Act (42 U.S.C. 6422): *Provided*, That the 60-day period referred to in such section shall be extended to 90 days for purposes of this section.

(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendment, and that it be printed in the RECORD.

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

Mr. BROWN of Ohio. Mr. Speaker, I do not reserve the right to object to this request but I reserve the right to object to the taking up of the legislation. I shall not object but I want to protect my right to ask questions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan to dispense with further reading?

There was no objection.

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

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I have no objection to the consideration of this legislation. It is a piece of legislation on which the Senate and House have come to general agreement. It is part of a package understanding that the members of the Energy and Power Subcommittee, both the majority and minority, have come to with the administration that relates to an administrative action of the administration in regard to pricing of and allocation of motor gasoline.

The proposal for the removal of price and allocation controls from motor gasoline will be submitted to the House, I believe, later today or tomorrow. Prior to that submission the gentleman from Michigan and I wanted to be sure that the so-called dealer-day-in-court legislation, which is what we now have under consideration, can be passed by both bodies and signed by the President and become law, so that the distributors, the individual service station operators are protected by certain rights extended to them in this legislation, rights which I think all Members of the House fully understand because we passed the legislation under suspension last April. Therefore I will not go into the extensive details of the legislation but would like to ask the gentleman from Michigan to please explain the changes in the House bill that the amendment he is offering by unanimous consent makes.

Mr. DINGELL. Mr. Speaker, will my good friend, the gentleman from Ohio, yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would like to begin by commending my friend, the gentleman from Ohio, for the gentlemanly way in which he has assisted me in working on this particular piece of legislation and I wish to have his help known to my colleagues.

Mr. Speaker, the Senate adopted a number of amendments of a technical nature to title I of H.R. 130. The Senate adopted a procedural amendment to title II of H.R. 130. And the Senate adopted a new title, title III, dealing with competition and economic issues relating to gasoline marketing.

With respect to title I, the Senate expanded the coverage of the title to include marketers which have lost their brand or trademark licenses but have continued to receive motor fuel supplies through a continuation of supply agreements with their historical suppliers under allocation controls. The effect of this amendment is merely to permit supply agreements which, despite a subsequent withdrawal of a trademark, have existed continuously since May 15, 1973, to be treated as franchises for purposes of title I.

A second amendment to title I addresses a problem related to the term "distributor." The House bill could have required distinguishing a consignee's accounts from those of his supplier. As a result, a consignee might have been treated as a distributor with respect to some accounts but not with respect to others. Rather than attempting to delineate a means for making this determination, the Senate amendment treats a consignee as a distributor regardless of whether the account is that of the consignee or of his supplier. However, the Senate amendment includes a provision paralleling language contained in the House report. This provision excludes from the definition of distributor employees of a supplier as well as persons who merely provide transportation services for the supplier. Therefore, the Senate amendment retains the distinction that independent entrepreneurs are to be treated as distributors while employees of a supplier and common carriers are not.

Another Senate amendment addresses the question of contracts which do not reflect the actual gallonage which a franchisor has been supplying to the franchisee. For a number of reasons, in many cases, contracts have not been revised to reflect actual volumes. The Senate amendment assures that the supply protection of title I is based upon actual volumes supplied under the established pattern of business rather than on gallonage specified in contracts which no longer reflect the supply practices of the parties. It is my understanding that this amendment is not intended to substitute for clear and explicit supply terms in recent contracts where those terms are intended by the parties to govern their relationship. The amendment permits the franchisor or franchisee to introduce evidence of past delivery levels. This evidence would raise a rebuttal presumption that an agreement exists to deliver the same monthly gallonage of motor fuel that the franchisor sold to the franchisee during the corresponding months of the previous year.

Another Senate amendment to title I deals with the vulnerability of rural States to market withdrawals by major suppliers of motor fuels. The Senate amendment addresses this matter by affording the governors of affected States advance notice of a franchisor's plans to withdraw from the marketing of motor fuel through retail outlets in a relevant market area.

With respect to title II of H.R. 130, a floor amendment was adopted making the Environmental Protection Agency directly responsible for the field testing of the octane rating of automobile gasoline. The House bill provided a similar testing program; however, the Senate amendment clarifies the responsibilities of the EPA and improves the coordination of the EPA's actions with the responsibilities of the FTC under this title.

Title III of the Senate amendment is a new title. The introduced bill contained a title III which dealt with the issue of subsidization of marketing by refiners and other suppliers with profits derived from crude oil production, refining operations, or other marketing activities. This title raised significant questions relating to market structure, competition, and consumer protection. The title was therefore deleted prior to consideration of H.R. 130 by the full House. After lengthy debate of this issue, the Senate followed the lead of the House by not adopting any legislative requirements dealing with this matter. Instead, the Senate approved a study of petroleum marketing subsidization issues. This study is intended to focus on market subsidization by both refiners and other marketers and will explore questions relating to market structure, competition, and consumer cost. The Secretary of the Department of Energy is required to consult both the chairman of the FTC and Attorney General in the preparation of this study. Title III does not authorize regulatory action to be taken dealing with these subsidization questions without further action of both Houses of Congress through future legislative action.

I thank the gentleman for yielding.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, let me ask just two or three other questions. The amendment offered by the unanimous consent request of the gentleman to title I, the same substance as the amendment to title I added to the legislation by the other body, makes an addition to the House bill definition of "contract." This additional language states that delivery levels during the same month of the previous year shall be prima facie evidence of an agreement to deliver such levels in subsequent years. Is it the gentleman's understanding that the additional language only applies to contracts which do not reflect the actual gallonages which the franchisor is supplying the franchisee?

Mr. DINGELL. Will the gentleman from Ohio yield?

Mr. BROWN of Ohio. I will be glad to yield to the gentleman.

Mr. DINGELL. The answer to the question is yes.

Mr. BROWN of Ohio. The amendment offered by the unanimous consent re-

quest of the gentleman adds a new title III, the same substance as the title III added to the legislation by the other body, to provide for a study of subsidization of motor fuel marketing. Is it the understanding of the gentleman that this study shall be comprehensive in nature and shall extend to the total market so that not only refiner-marketers are examined as to the extent that they subsidize sales of motor fuel, but also that wholesaler-jobbers who supply more than one outlet are studied to determine the extent to which they subsidize sales of motor fuel.

Mr. DINGELL. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. DINGELL. I wish to agree with the gentleman, again making it clear, however, that these Senate amendments, in which the House is being called upon to concur, did not originate with the gentleman from Michigan.

Mr. BROWN of Ohio. However, the gentleman is offering them at this point for consideration by the House.

Mr. DINGELL. I do that. The answer to the question, however, again is yes.

Mr. BROWN of Ohio. Is it also the understanding of the gentleman that the study previously referred to should examine the extent to which present pricing practices of refiners and wholesalers of motor gasoline may in fact be resulting in lower prices of motor fuel to ultimate consumers?

Mr. DINGELL. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

The answer to the question is again yes.

Mr. BROWN of Ohio. Finally, let me say to the gentleman from Michigan and the gentleman from West Virginia that I met yesterday at some length with officials of the Department of Energy, including Mr. John O'Leary, who have advised me that it is the plan of the Department of Energy to use the existing EIA P–302 and 306 forms by which they gather information from refineries, plus revised Bureau of Labor Statistics and Census surveys, in order to give them sufficient information regarding supply and price and market distribution to meet the minimum statutory requirements of the legislation under consideration at this point. This will also apparently be adequate to meet the obligations of the Department of Energy imposed in the environmental impact assessments, I have been advised. It is my understanding, therefore, that they will not require extensive or burdensome reporting by individual service station operators marketing gasoline products when DOE can get that information with a great deal less redtape, a great deal less paperwork, and a great deal less burden on the entire marketing system, by getting it from the refiners.

Mr. DINGELL. Will the gentleman from Ohio yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. We have gone into the question of the decontrol proposal which will be shortly before the House and which we anticipate will be submitted by the Department of Energy with regard to motor vehicle gasoline. It is the understanding of the gentleman from Michigan that gasoline decontrol will not propose extensive new monitoring action by the Department of Energy which would impose burdens upon industry, nor will it contain a price trigger for the reimposition of controls.

Mr. BROWN of Ohio. That is also my understanding.

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

Mr. BROWN of Ohio. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding.

I want to congratulate the gentleman from Ohio and the gentleman from Michigan (Mr. DINGELL) for the good work they have done in bringing this bill to the floor today and urge passage of it, with no one objecting to it because the bill represents a long overdue action that should have been taken by this Congress long ago to protect the independent retailers at the marketplace who deal with this subject when they go to get gasoline from the suppliers.

They just take away their supply arbitrarily and just say they are not dealing with them any more. This protects thousands of those, perhaps hundreds of thousands of those across America and also protects the motorists from increasing competition with the independent dealers there and also helps reduce costs; so I want to compliment the gentleman from Ohio and the gentleman from Michigan for working this out with the Senate and hope it passes the House. It is long overdue.

Mr. BROWN of Ohio. Mr. Speaker, finally, let me compliment the gentleman from West Virginia, who made this legislation possible. The gentleman always adds to the interest of our Nation in the conduct of that committee and also in the conduct of this legislation. This is a prime example.

Mr. Speaker, let me add my commendation to the chairmanship of the gentleman from Michigan (Mr. DINGELL), with whom it is my pleasure to work. We do not always craft perfect legislation, but in this case we have come very close under the gentleman's leadership, with a certain contribution of the gentleman from Ohio who occasionally gets the gentleman from Michigan to agree with some of my viewpoints.

Mr. DINGELL. Mr. Speaker, will the gentleman from Ohio yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I wish to commend my friend. The gentleman from Ohio has been a valuable player in this small drama. The gentleman's contribution is great and I wish to have the House and the gentleman's constituents know what the gentleman did in getting this through in the form in which it is. I commend the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman, and for fear someone will want to call for a quorum to hear these remarks that are being exchanged between the gentleman from Michigan, the gentleman from West Virginia, and myself, I think I had better withdraw my objection so we can get the legislation passed and go on to other business.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

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

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

REFUGE REVENUE SHARING ACT OF 1978

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8394) to provide for payments to local governments based upon the acreage of the National Wildlife Refuge System which is within their boundaries, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401 of the Act of June 15, 1935 (commonly referred to as the "Refuge Revenue Sharing Act", 16 U.S.C. 715s), is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out in the first sentence thereof—

"(a) Beginning with the next fiscal year" and all that follows thereafter down through "shall be covered" and inserting in lieu thereof the following:

"(a) All revenues received during each fiscal year by the Secretary in connection with the operation and management of fee areas and reserve areas from—

"(1) the sale or disposition of animals, salmonoid carcasses, products of the soil (including, but not limited to, timber, hay, and grass), minerals (including, but not limited to, crude petroleum and natural gas), shells, sand, and gravel;

"(2) leases for public accommodations or facilities incidental to, but not in conflict with, the major purposes of such areas; and

"(3) other privileges;

shall be covered".; and

(B) by striking out the third sentence thereof.

(2) Subsection (b) is amended by inserting "and revenue-sharing" immediately after "revenue-producing"; and by striking out "set forth in subsection (a)".

(3) Subsections (c), (d), (e), (f), and (g) are amended to read as follows:

"(c) (1) The Secretary shall pay out of the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979, to each

county in which is situated any fee area whichever of the following amounts is greater:

"(A) An amount equal to the product of 75 cents multiplied by the total acreage of that portion of the fee area which is located within such county.

"(B) An amount equal to three-fourths of 1 per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county.

"(C) An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if a fee area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum the same ratio as that portion of the fee area acreage which is within such county bears to the total acreage of such fee area.

"(2) to each county in which is situated any reserve area an amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such reserve area during such fiscal year; but if a reserve area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum the same ratio as that portion of the reserve area acreage which is within such county bears to the total acreage of such reserve area.

The Secretary shall pay out of the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979.

"(3) For purposes of this section, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall each be treated as a county.

"(4)(A) For purposes of determining the fair market value of fee areas under paragraph (1)(B), the Secretary shall—

"(i) appraise before September 30, 1978, all fee areas for which payments under this section were not authorized for fiscal years occurring before October 1, 1977; and

"(ii) appraise all other fee areas, within five years after the date of the 1978 amendment to this subsection, in the order in which such areas were first established by the Service.

After initial appraisal under clause (i) or (ii), each fee area shall thereafter be reappraised by the Secretary at least once during each five-year period occurring after the date of the initial appraisal. Until any fee area referred to in clause (ii) is initially appraised under this subparagraph, the fair market value of such area shall be deemed to be that adjusted cost of the area which was used to determine payments under this subsection for fiscal year 1977; and in no case may the amount of any payment to any local government under paragraph (1)(B) with respect to any fee area be less than the amount paid under paragraph (2)(A) of this subsection (as in effect on September 30, 1977) with respect to such area.

"(B) The Secretary shall make the determinations required under this subsection in such manner as the Secretary considers to be equitable and in the public interest. All such determinations shall be final and conclusive.

"(5)(A) Each county which receives payments under paragraphs (1) and (2) with respect to any fee area or reserve area shall distribute, under guidelines established by the Secretary, such payments on a proportional basis to those units of local government (including, but not limited to, school districts and the county itself in appropriate cases) which have incurred the loss or reduction of real property tax revenues by reason of the existence of such area. In any case in which a unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments under paragraphs (1) and (2) shall be made to such other unit which shall distribute the payments in accordance with the guidelines.

"(B) The Secretary may prescribe regulations under which payments under this paragraph may be made to units of local government in cases in which subparagraph (A) will not effect the purposes of this paragraph.

"(C) Payments received by units of local government under this subsection may be used by such units for any governmental purpose.

"(d) If the net receipts in the fund which are attributable to revenue collections for any fiscal year do not equal the aggregate amount of payments required to be made for such fiscal year under subsection (c) to counties, there are authorized to be appropriated to the fund an amount equal to the difference between the total amount of net receipts and such aggregate amount of payments.

"(e) If the net receipts in the fund which are attributable to revenue collections for any fiscal year exceed the aggregate amount of payments required to be made for such fiscal year under subsection (c) to counties, the amount of such excess shall be transferred to the Migratory Bird Conservation Fund for use in the acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715–715r).

"(f) The Secretary shall carry out any revenue producing activity referred to in subsection (a) (1), (2), and (3) within any fee area or reserve area subject to such terms, conditions, or regulations, including sales in the open markets, as the Secretary determines to be in the best interest of the United States. The Secretary may, in accordance with such regulations as the Secretary may prescribe, dispose of animals which are surplus to any area by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propagation purposes, and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife.

"(g) As used in this section—

"(1) The term 'Secretary' means the Secretary of the Interior.

"(2) The term 'fee area' means any area which was acquired in fee by the United States and is administered, either solely or primarily, by the Secretary through the Service.

"(3) The term 'reserve area' means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Service.

"(4) The term 'Service' means the United States Fish and Wildlife Service."

(4) Such section is amended by adding at the end thereof the following new subsection:

"(h) In administering the Act of October 20, 1976 (Public Law 94–565, 31 U.S.C. 1601–1607), for fiscal years occurring after September 30, 1978—

"(1) reserve areas shall be deemed to be entitlement lands for purposes of section 6(a) of such Act; and

"(2) payments received by any unit of local government pursuant to subsection (c)(2) shall be deemed to be payments under a provision of law specified in section 4 of such Act.".

(b) Title IV of such Act of June 15, 1935, is amended by amending the center heading immediately perceding section 401 thereof to read as follows:

"TITLE IV—PARTICIPATION OF LOCAL GOVERNMENTS IN REVENUE FROM AREAS ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICES".

SEC. 2. The amendments made by this Act shall apply with respect to payments made to counties under title IV of the Act of June 15, 1935, for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV which amend section 401(a) and (g), add paragraph (4) to section 401(c), and amend the title heading shall take effect on the date of the enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. RUPPE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. LEGGETT) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. RUPPE) will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 8394. H.R. 8394 amends the Refuge Revenue Sharing Act which was originally passed by Congress in 1935. That act provides for payments to counties containing national wildlife refuges. These payments are intended to partially offset the loss of tax revenues and other economic dislocations associated with the creation of a national wildlife refuge. H.R. 8394 revises the existing refuge revenue sharing system and ends a number of inequities in the system that have developed over the years.

The existing Refuge Revenue Sharing Act recognizes that the National Wildlife Refuge System serves all Americans by protecting and enhancing national wildlife. It attempts to ease the financial burden created by the presence of large blocks of refuge land within local jurisdictions. Unfortunately, the act has become outdated, and increasingly, payments under it are not able to adequately compensate counties for loss of tax revenues. As a result, many counties throughout the country have been actively opposing the acquisition of new refuge lands by the U.S. Fish and Wildlife Service. The State of North Dakota, for example, recently enacted legislation requiring the Fish and Wildlife Service to receive the approval of county commissioners before purchasing wetlands. This legislation is desperately needed so that we can move forward with our wetlands acquisition program. There are five major problems with the existing law which H.R. 8394 would correct. First, the act provides payments to local jurisdictions only to the extent of the net receipts from the refuge system. In 1976 and 1977 payments to counties were reduced by 28 percent because of insufficient receipts. H.R. 8394 would have any deficits made up through appropriations.

Second, the payment formula used to establish local entitlements for land acquired in fee does not reflect the real potential tax value of the property. Payments under this legislation would be

based on the fair market value of the acquired land and would more adequately reflect its true tax value.

Third, in the existing law, any payment to a local entity for public domain land depends on the ability of the property to produce net revenues. Since many of the refuge lands were acquired to provide a protective enclave for our national wildlife, the revenue produced on these properties is minimal or nonexistent. H.R. 8394 corrects this inequity by treating refuge public domain land the same way we treat national park, forest and BLM land under the Payment in Lieu of Taxes Act passed in the 94th Congress.

Fourth, the existing act limits the expenditure of revenue sharing funds to schools and roads. The demands on local governments have grown steadily over the years. No longer are counties solely concerned with building roads and administering schools. Local administrators should have the flexibility in determining how revenue sharing funds can best serve local residents.

Fifth, the existing law fails to provide for any payments to any units of local government other than counties. H.R. 8394 recognizes that in some parts of the country there are townships and municipalities that levy property taxes and provide essential services. These units, as much as any county, can suffer from the presence of a wildlife refuge. H.R. 8394 includes a passthrough provision which allows these units to share in payments with any qualifying county in the area.

The Congressional Budget Office estimates that this legislation will cost the Federal Government about $3.3 million in fiscal year 1979 and $15.3 million in fiscal year 1980. This estimate assumes no increases in revenues from the refuge system. It may be, however, that the proposed new refuges in Alaska, which are believed to contain significant mineral resources, could make the refuge revenue sharing program self-sufficient in time.

The provisions of H.R. 8394 are modeled after the Payment in Lieu of Taxes Act which did not include wildlife refuges. H.R. 8394 is not identical to that act, however. The committee determined that wildlife refuges tend to place a greater burden on local economies than do parks or forests which can in fact improve the economic picture in a local area. The national park system and the National Wildlife Refuge System are approximately the same size, yet the park system attracts 10 times the number of annual visitors. The Park Service has sponsored a number of economic impact studies which have invariably shown that tourist expenditures are of major importance to regional economies located near parks. Refuges, in contrast, usually provide little or no economic benefit to local governments. This legislation would offset that adverse economic impact.

The bill before the House today includes several technical amendments which were added at the request of the Budget Committee to insure that the legislation complies with section 401 of the Budget Act.

Mr. Speaker, I yield such time as he may consume to one of the coauthors of the bill, the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Speaker, I rise to urge the passage of this important proposal, H.R. 8394. This revision to the Refuge Revenue Sharing Act, initially enacted by Congress in 1935, is important to the communities throughout this country which pay the price of the loss of economic benefits and tax dollars, because of the acquisition of land by the Federal Government for wildlife refuges. As is the case in my own district, I am sure that these communities are proud of the contribution being made to the preservation of critical wildlife habitat by the establishment of these refuges, but I do feel that it is incumbent upon the Federal Government to provide some sort of equitable compensation to these local communities for the loss of these tax dollars.

No provision proposed in the Congress could feasibly provide full reimbursement to these communities for the loss of the economic opportunities available from the private utilization of these lands. However, the bill before us today does provide significant relief to these communities—enough relief, I believe, to continue strong community support for the maintenance of our Nation's wildlife refuges.

I must say, Mr. Speaker, that I am quite disappointed that the administration has stated its opposition to our proposal, for the bill is designed to assist the Wildlife Service in its efforts to continue to acquire land for critical wildlife habitat management. The administration has stated that the refuges should have been incorporated in the payments-in-lieu-of-taxes bill, Public Law 94–565, which was enacted 2 years ago. This indicates to me a failure to look at the legislative history of both payments-in-lieu-of-taxes and refuge revenue sharing statutes, as well as the lack of understanding of the prerogatives of the Congress.

In 1976, the House voted not to include refuges in Public Law 94–565, because it was felt that the Merchant Marine and Fisheries Committee needed to review proposed changes to the refuge revenue sharing system, which was not possible during consideration of the payments-in-lieu bill, and that the special nature of refuge land classification should be considered in providing compensation to local communities. The Merchant Marine Committee and its Subcommittee on Fisheries and Wildlife Conservation and the Environment have been thorough and precise in their consideration of this proposal. It was the unanimous opinion of the full committee that the refuge revenue sharing proposal presented today is the best approach for insuring proper and equitable treatment to the local jurisdictions which support refuges, fish hatcheries, and other facilities operated by the Fish and Wildlife Service.

The reason for this determination, Mr. Speaker, is that refuges do not generate the volume of receipts from mining or timber interests that other classifications of Federal lands do, and the general pattern throughout the country is that a wildlife refuge is vastly more restricted to visitation than say a national park. The formula, therefore, for aiding local jurisdictions must take these factors into account, and it is unreasonable to assume that the payments-in-lieu formula previously enacted by Congress is applicable in these situations.

For example, Mr. Speaker, studies show that within 5 years of the establishment of a national park, the economic benefits which accrue to the local community can be equated with the removal of the land from the tax rolls. As such, the formula under the Payments-in-Lieu Act provided for special transition payments, over and above the basic payments in the bill, for the first 5 years after acquisition.

This is not the case for wildlife refuges, for national parks have 10 times the visitors that refuges do. Therefore, the Merchant Marine Committee has called for a lower level of payments, but makes those payments permanent.

In conclusion, Mr. Speaker, permit me to cite an example of the effect of this proposal in my district.

The Okefenokee National Wildlife Refuge is partly located in my district. This is an ecological treasure of national significance, but it creates a problem for my constituents. Approximately 175,000 acres of the refuge are located in Charlton County. The county commissioners tell me that if this land were in private ownership, it would yield $2.20 per acre in taxes, or $388,000. The revenue sharing payments in the county for the refugee for fiscal year 1977 were only $46,000, or 26 cents per acre. This places a $342,000 burden on the local taxpayers.

My district is far from unique in this problem, Mr. Speaker, as there are fish and wildlife units in 543 counties in all of the States and 3 territories. Although there is a wide variation in the impact on local jurisdictions, there is a real need to treat local jurisdictions fairly when they happen to have areas within their boundaries which contribute to national and international goals. I urge my colleagues to take this into consideration and support our efforts to provide a more equitable system of payments to local communities which service lands administered by the U.S. Fish and Wildlife Service.

Mr. LEGGETT. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINN) for his important contribution in planning this legislation with our other colleagues. He has certainly helped us steer the bill to the floor at this point.

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

Mr. Speaker, the special mission of the National Wildlife Refuge System is to establish, manage, and safeguard a national network of lands and waters sufficient in size, diversity, and location to protect, now and in the future, the wildlife heritage of America. Today, the National Wildlife Refuge System, which was started by President Theodore Roosevelt in 1903 with the designation of the Pelican Island National Wildlife Refuge in Florida, has grown to include 385 units in 49 States. These refuges

comprise approximately 35 million acres of diverse wildlife habitat.

Today, the Service's refuge acquisition program is threatened by local opposition generated by inadequate payments in lieu of taxes to counties in which refuge lands are located. The present refuge revenue sharing program, which has been in effect since the 1930's, suffers from many weaknesses. First, and foremost, is the fact that moneys generated from activities occurring on refuge lands, such as the sale of timber, hay, or gravel, are insufficient to cover the amount of moneys owed to counties. In 1977, because of inadequate refuge receipts, payments were reduced by 26 percent. If present trends continue, it is estimated that by 1983 payments to counties will be reduced by 75 percent.

Second, refuge revenue sharing payments may only be used for public schools and roads. This limitation fails to recognize the expanding role of local governments and their pressing need for general revenues.

Third, refuge revenue sharing payments are not based on the fair market value of the land. Instead, the existing law requires that the land values be established by increasing the original purchase price by the annual inflation index. Since many refuges were acquired in the 1930's when land values were extremely depressed, the result is that payments in lieu of taxes do not reflect today's market value of the land.

The final flaw in the existing system is that payments are made exclusively to counties. There is no recognition that other units of local government also suffer losses of revenue because of refuge acquisitions.

Mr. Speaker, these deficiencies in the current refuge revenue sharing program have manifested themselves in increasing local opposition to refuge acquisition. North Dakota, for example, has enacted legislation requiring that County Commissioners approve any proposed Federal wetlands acquisition. Pursuant to the Wetlands Loan Act, no lands can be purchased within a State unless the Governor agrees and the action of North Dakota could effectively block further acquisitions in this State.

Unless immediate action is taken to rectify the inequities of the existing payment-in-lieu-of-taxes system for the National Wildlife Refuge System, I fear that critically important wildlife habitat will not be acquired. The resulting loss of wildlife habitat to developmental pressure can have no other effect but to decrease the quality of life in America.

It is for these reasons that I support H.R. 8394, which authorizes payments to counties and other units of local government which have suffered losses of revenue because of refuge acquisitions. The legislation before us today also requires that payments be based on the fair market value of the land involved and it eliminates the restriction that such payments may be used only for public schools and roads. Finally, and most important, H.R. 8394 provides that if refuge receipts are insufficient to cover the amount of moneys owned local governments, then general appropriations shall be available to make up the difference.

Mr. Speaker, without the enactment of H.R. 8394, the goals for which the National Wildlife Refuge System was established cannot be met. Therefore. I urge the adoption of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, I rise in support of H.R. 8394, which will provide payments in lieu of taxes to local governments whose jurisdiction includes lands within the National Wildlife Refuge System. The National Wildlife Refuge System, which comprises 35 million acres of critical wildlife habitat, is larger than the States of Rhode Island, Delaware, and Ohio combined. It consists of 385 refuges in 49 States and attracted an estimated 30 million visitors in 1977.

Conceived in 1903 by President Theodore Roosevelt as a means of protecting wildlife habitat, the refuge system is today threatened by an inability to acquire additional wildlife habitat because of the opposition of local governments because payments in lieu of taxes under the existing refuge revenue sharing program are substantially less than would be received by the local governments concerned if the lands were in private ownership.

The roots of this problem are found in the basic statute. Payments in lieu of taxes for acquired refuge lands are based upon "adjusted land values." The current value of the land is established by adding the annual cost-of-living index to the original acquisition price. Given the low land prices which dominated the depression area when many refuges were acquired, this system of adjusting land price does not accurately reflect the fair market value of the land today. Thus, where payments are made according to adjusted land values, counties receive small amounts which many find unacceptable.

The second major weakness of the existing law is that payments to counties must be made from revenues received from activities, such as grazing, which may occur in refuges. When total receipts are less than that needed to cover all payments, the amount of money received by the counties is reduced proportionately. In 1976, receipts were insufficient to cover required payments and, as a result, payments to counties were reduced by 27 percent. In 1977, insufficient refuge receipts forced a 26 percent reduction of payments to qualifying counties. The U.S. Fish and Wildlife Service estimates that if present trends continue, by 1983 counties will receive only 25 percent of the amount to which they are entitled.

These back-to-back reductions in payments, combined with the fact that payments are not based on the fair market value of the land, are the primary causes of local resistance to the Fish and Wildlife Service's important habitat acquisition program.

The significance of this growing opposition to refuges derives from the fact that under the Wetlands Loan Act of 1961, no land can be acquired with funds from the Migratory Bird Conservation Fund unless the acquisition has been approved by the Governor of the State. There is a legitimate concern that many counties will begin using this provision of the Wetlands Loan Act to actively resist further refuge acquisition. Already, North Dakota has enacted legislation prohibiting refuge acquisitions in that State unless approved by county commissioners and wetlands valuable to wildlife and to the public may be lost as a result.

Mr. Speaker, the viability of much of North America's waterfowl population depends on preserving this Nation's shrinking wetland habitat. Any reduction in the wetlands acquisition program could ultimately spell disaster for our irreplaceable waterfowl resources. In 1976, the Fish and Wildlife Service identified approximately 1.9 million acres of migratory bird habitat that should be protected and began a 10-year accelerated acquisition program. Without a refuge revenue sharing program that will provide equitable and consistent payments to counties, land acquisition will be severely restricted and one of this country's most important legislative tools for protecting waterfowl habitat will be rendered ineffective.

It is for these reasons that the Committee on Merchant Marine and Fisheries approved H.R. 8394. This legislation will provide an equitable system of compensating local governmental units which have incurred losses because of refuge acquisitions. This legislation insures that payments will be based on the fair market value of the lands involved, rather than on the adjusted value of the lands. Equally important is the fact that H.R. 8394 changes the existing law to provide that counties shall distribute any funds they receive from the act to other units of local government which have suffered revenue losses because of refuge acquisitions. Under the current law, payments are made to counties which have no responsibility to redistribute the funds according to actual loss. Finally, H.R. 8394 provides that if money from net receipts are insufficient to cover payments due under the program, funds from the general treasury shall be available to make up the difference.

Mr. Speaker, H.R. 8394 represents a reasonable and effective mechanism for compensation local governments for the loss of revenue incurred because of refuge acquisition. I fear that without a program such as this our Wildlife Refuge System acquisition program will be crippled. In an era when developmental pressures are destroying fish and wildlife habitat and threatening the rich diversity of species with which this Nation is blessed, I believe it is critical that the U.S. Fish and Wildlife Service have the ability to protect diminishing wildlife habitat. For these reasons, I urge the adoption of this legislation.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER), one of the original authors of the bill.

Mr. STEIGER. Mr. Speaker, I thank

my colleague, the gentleman from Michigan (Mr. RUPPE), for yielding.

Mr. Speaker, this bill which my distinguished colleague, the gentleman from Georgia (Mr. GINN) and I have sponsored is the result of a long series of negotiations and an awful lot of effort by the chairman of the subcommittee and the ranking member, my friend, the gentleman from California (Mr. LEGGETT) and my friend, the gentleman from New Jersey (Mr. FORSYTHE), and their staffs, as well as the Fish and Wildlife Service of the Department of the Interior. All have played just an extraordinary role.

Mr. Speaker, I am grateful to them. I thank all of them for the time and effort they have spent on this legislation.

Obviously, Mr. Speaker, I urge support for the bill and hope that it passes.

Mr. Speaker, this bill (H.R. 8394) extends the payments-in-lieu of taxes concept to our National Wildlife Refuge Lands System. It is designed to provide equitable compensation to local units of government on the same basis that local governments are now compensated for Federal lands in national parks, national forests, our wilderness lands, areas administered by the Bureau of Land Management, and water resource lands associated with the Army Corps of Engineers and the Bureau of Reclamation.

When Congress enacted the payments-in-lieu of taxes concept through the vehicle of Public Law 94–565 2 years ago, I was delighted to see Congress acting in good faith on the recommendations of the Public Land Law Review Commission. In its report to the President and the Congress, the Commission made a compelling argument that the Federal Government should compensate local governments for the tax immunity of their Federal lands. The Commission strongly emphasized the obligation of the United States to make certain that the burden of its public lands is spread among all the people of the Nation, and is not borne only by those governments in whose areas the lands are located.

At the same time, I was dismayed that Public Law 94–565 excluded our national wildlife refuge lands from this compensatory payments program. H.R. 8394 is intended to remedy that exclusion, which resulted primarily from technical and legal problems.

Our national wildlife refuge system comprises a great treasure of natural resources. The system was established when Gifford Pinchot and President Theodore Roosevelt designated our first refuge at Pelican Island, Fla., in 1903. The drought-stricken decade of the thirties added its own momentum to the growth of the system. Today, in the midst of our own generation's "conservation ethic" we are now confronted with a special responsibility to revise and update the laws which govern our wildlife refuge system. This is especially true if we are to make continued progress in conserving our natural resources and extending our wildlife habitat acquisition programs which are an integral part of the wildlife refuge system.

When units of local government contain lands owned by the Federal Government, they are deprived of the property taxes these lands would otherwise generate. Under Federal ownership, these lands are immune from taxation. Affected local governments suffer under a double strain in these circumstances. Revenues fall, and the presence of Federal lands often leads to increased demand for local government services. Law enforcement, sanitation, rescue services, and fire protection are only some of the services local governments must provide whether the land is federally owned or not. And the full array of these services must be provided from a reduced tax base.

I appreciate that local units of government are currently receiving payments under the existing Refuge Revenue Sharing Act of 1935, as amended. But the current payments are entirely inadequate. Payments at present are limited to the sharing of net receipts from sales generated by the refuge lands themselves. During the past 2 years, payments to local units of government have been reduced by more than 25 percent because revenues have failed to keep pace with entitlements. In fact the Fish and Wildlife Service now estimates this fund will be exhausted by 1983, unless efforts are now made to update the existing law. H.R. 8394 provides an authorization for appropriations to counteract any shortfall between receipts collected from refuges, and payments due local jurisdictions.

This bill further provides a new mechanism for the reappraisal of refuge land by the Fish and Wildlife Service every 5 years, rather than relying on the agricultural index averages which are not reflective of the true value of the land removed from local tax roles.

H.R. 8394 also removes the restriction that payments may be used by local jurisdictions only for roads and schools. Counties also will be required to pass on a proportional share of the payments to the local governments which have incurred the loss or reduction of real property tax revenues.

It is important to note that this bill applies to refuge lands that have been acquired by the Federal Government, and not to public domain lands which have never been on the local tax rolls. The domain lands will be subject to the basic payments made under Public Law 94–565.

For acquired lands, counties would receive the greater of 75 cents per acre, three-fourths of 1 percent of the fair market value of the land, as determined by the Secretary of the Interior under the new appraisal mechanism, or 25 percent of the net receipts collected by the Secretary from the area.

If receipts from wildlife refuges continue on the level of the past few years, it is estimated that the additional cost to the Treasury will increase from $3.5 million in fiscal year 1979 to $14.6 million in fiscal 1983. However, if receipts increase, as we may expect if oil and gas development continues on our refuge lands, there may well be no additional cost to the Treasury under this proposed revision.

Mr. Speaker, H.R. 8394 provides an urgently needed remedy. A county containing a national wildlife refuge experiences the same double strain that a county containing a national park or national forest experiences. It makes no difference to a county now unable to provide needed services, into which classification of Interior Department lands the Federal areas fall. Equally important, local governments containing wildlife refuges also feel the second strain, that of increased demand for local government services.

The needs I have pointed out can be met, and equity can be attained by passing H.R. 8394.

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

Mr. STEIGER. I am delighted to yield to the chairman, the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, certainly this shows that the committee keeps its promises. The gentleman from Wisconsin (Mr. STEIGER) extracted a promise from the committee when we heard the "in lieu" bill in the 94th Congress that we would hear this matter. We have moved diligently, and in a period of 2 years we have brought this matter back, and we are virtually in unanimous agreement on the importance of the legislation and its effectiveness.

Mr. Speaker, the gentleman from Wisconsin (Mr. STEIGER) was certainly pivotal, along with the gentleman from Georgia (Mr. GINN), in bringing this bill to the committee and in the effort to get it passed.

I thank the gentleman very much.

Mr. STEIGER. Mr. Speaker, I thank my chairman very, very much. He has kept his promise.

I am thankful for the fact that when I was dismayed with what was happening to the other bill, the gentleman was willing to take this legislation on. I do appreciate ever so much what the gentleman has done to bring this about.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I want to add my support to H.R. 8394, the refuge revenue sharing bill and commend my colleagues from Wisconsin (Mr. STEIGER) and my friend, Mr. GINN, for their insight and leadership in authoring this meaningful legislation. I would also like to recognize the key roles played by my colleague from California (Mr. LEGGETT), chairman of the Fisheries and Wildlife Conservation Subcommittee, and the distinguished gentleman from New Jersey (Mr. FORSYTHE), who together advanced the proposal through the subcommittee and full committee and on to the floor of the House of Representatives today.

The Congress first enacted the Refuge Revenue Sharing Act in 1935 to compensate counties for the tax dollars lost when lands are taken from the tax rolls and placed in the National Wildlife Refuge System. I have always strongly supported this revenue sharing concept, and have worked to improve it, as well as other existing revenue sharing programs of this type, which greatly assist

our counties. I am, therefore, pleased to see these essential amendments which reflect present day circumstances and the greater demands being placed on our counties for local services.

Most importantly, the bill addresses the inequity created by the lack of sufficient funds to cover the counties' entitlements under the act which forced the U.S. Fish and Wildlife Service to reduce by 27 percent the payments made in 1976.

The bill relies on our experience with the Payment in Lieu of Taxes Act which was initiated in our Interior and Insular Affairs Committee and was enacted during the last Congress. This legislation establishes a payment system modeled after the formulas we developed. It follows our concept of distinguishing between lands acquired in fee and lands withdrawn from the public domain. As we know from our close work with the counties on the payment in lieu of taxes bill, lands withdrawn directly from the tax rolls have a far greater financial impact on local government's ability to fund local services.

For lands acquired in fee the counties will receive the greater of 75 cents per acre, three-fourths of 1 percent of the fair market value of the land, or 25 percent of the net receipts from the area. In addition, if receipts are insufficient to meet all payments, the legislation authorizes appropriations to provide the necessary funds.

Protection of the wetland habitat is essential to the continued viability of our North American waterfowl population. This legislation provides us with the legislative tools for encouraging establishment of additional refuges where needed while minimizing the hardship on localities faced with a reduction in property taxes.

I urge my colleagues to support this meaningful and progressive piece of legislation.

● Mr. MURPHY of New York. Mr. Speaker, H.R. 8394 is an important piece of legislation which is designed to insure the continued viability of our national wildlife refuge system. The National wildlife refuge system represents the world's greatest network of lands managed for the benefit of wildlife. This network now includes some 386 separate units ranging from the Arctic Ocean to the South Pacific and encompassing over 32 million acres of the Nation's best wildlife habitat. The natural areas these units protect are as diverse and complex as the wildlife species that live on them.

That national wildlife refuge system serves all Americans, both urban and rural, by protecting and enhancing our national wildlife. Unfortunately, too often the costs of the refuge system are inequitably borne by the local governments adjacent to established refuges. The Refuge Revenue Sharing Act, originally passed in 1935, recognizes this basic fact, and attempts to alleviate the economic dislocation associated with the creation of a wildlife refuge. The act provides for payments to counties containing national wildlife refuges. These payments are intended to partially offset the loss of tax revenues which occurs when taxable lands become public lands within the refuge system.

Although the Refuge Revenue Sharing Act has been amended since its original enactment in 1935, the act continues to contain a number of inequities which work to the detriment of counties containing refuges and the national wildlife refuge system as a whole. H.R. 8394 would correct these inequities.

One of the biggest problems with the existing law is that payments to local governments are limited to the extent of receipts from the refuge system. In 1976 and again in 1977 these receipts were insufficient to cover the county's entitlement under the act. As a result, payments to counties had to be reduced by 28 percent in each year. H.R. 8394 would insure that counties receive the total amount of their entitlement.

H.R. 8394 will do more than insure that counties receive adequate payments under the act, it will moderate growing local opposition to new refuge acquisitions. Under the Wetlands Loan Act, no land can be acquired with funds from the Migratory Bird Conservation Fund unless the acquisition has been approved by the Governor of the State. The committee is concerned that resistance to the Nation's acquisition program will accelerate absent an equitable revision of the Refuge Revenue Sharing Act.

In 1976, the Fish and Wildlife Service identified some 1.9 million acres of migratory bird habitat that should be protected and began a 10-year accelerated acquisition program. In his environmental message, President Carter recommended a budget increase of $10 million a year for the wetland acquisitions program. Without a refuge revenue sharing program that will provide equitable and consistent payments to the counties, however, the acquisition program will be severely restricted and one of the Nation's most important legislative tools for protecting wetlands will become ineffective.●

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

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 8394, as amended.

The question was taken.

Mr. SYMMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 8394.

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

There was no objection.

NORTH PACIFIC FISHERIES ACT AMENDMENTS

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12637) to amend the North Pacific Fisheries Act of 1954, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the North Pacific Fisheries Act of 1954 (16 U.S.C. 1021 et seq.) is amended as follows:

(1) Section 2 is amended—

(A) by amending subsection (a) to read as follows:

"(a) 'Convention' means the International Convention for the High Seas Fisheries of the North Pacific Ocean with a protocol and annex relating thereto signed at Tokyo, May 9, 1952, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, April 25, 1978."; and

(B) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) 'Fishery conservation zone' means the fishery conservation zone of the United States established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

"(f) 'Fishing vessel' means—

"(1) any vessel engaged in catching fish within the Convention area or in processing or transporting fish loaded in the Convention area;

"(2) any vessel outfitted to engage in any activity described in paragraph (1); or

"(3) any vessel in normal support of any vessel described in paragraph (1) or (2).

"(g) 'Permit' means a permit issued by the Secretary of State in cooperation with the Secretary under section 13 of this Act.

"(h) 'Secretary' means the Secretary of Commerce.".

(2)(A) Section 3(a) is amended to read as follows:

"SEC. 3. (a) The United States shall be represented on the Commission by not more than four United States Commissioners to be appointed by the President and serve at his pleasure. Each United States Commissioner shall be appointed for a term of office of not to exceed four years, but is eligible for reappointment. Any United States Commissioner may be appointed for a term of less than four years if such appointment is necessary to insure that the terms of office of not more than one Commissioner will expire in any one year. Of the Commissioners, who shall receive no compensation for their services as Commissioners—

"(1) one shall be an official of the United States Government;

"(2) two shall be residents of the State of Alaska; and

"(3) one shall be a resident of a State (other than Alaska) the residents of which maintain a substantial fishing in the Convention area.

An individual is not eligible for appointment under paragraph (2) or (3) as a Commissioner unless the individual is knowledgeable or experienced concerning the fisheries covered by the Convention.".

(B) The amendment made by paragraph (A) shall take effect on the sixtieth day after the date of the enactment of this Act.

(3) Section 4 is amended—

(A) by amending subsection (a) to read as follows:

"SEC. 4. (a) The United States Section shall appoint an advisory committee of not less than six and not more than twenty-one members and shall fix the terms of office thereof. The members shall be appointed from among—

"(1) individuals who are knowledgeable or

experienced with respect to the fisheries covered by the Convention; and

"(2) officers and employees of the fishery agencies of States the residents of which maintain a substantial fishery in the Convention area;

except that two-thirds of the membership of the committee shall consist of individuals, appointed under paragraphs (1) and (2), who are residents of Alaska."; and

(B) by amending the second sentence of subsection (d) to read as follows:

"On approval by the United States Section, not more than five members of the committee, designated by the committee, shall be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or the United States Section; except that in the case in which—

"(1) one member is so designated, such member shall be from among the members representing Alaska;

"(2) two or three members are so designated, two members shall be from among those representing Alaska; and

"(3) four or five members are so designated, three members shall be from among those representing Alaska.".

(4) Section 6 is amended to read as follows:

"SEC. 6. The Secretary of State, with the concurrence of the Secretary, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article III, section 1 of the Commission.".

(5) Section 7 is amended to read as follows:

"SEC. 7. (a) The Secretary shall administer and, except to the extent otherwise provided for in this Act, enforce the provisions of the Convention, this Act, and regulations issued under this Act.

"(b) In carrying out such functions, the Secretary—

"(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating and the United States Section, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act; and

"(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the government of any party to the Convention.

"(c) The Secretary may adopt regulations which apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes, but such regulations shall not apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha).".

(6) Section 9 is amended to read as follows:

"SEC. 9. (a) This Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency which has entered into an agreement with either such Secretary under the preceding sentence may (if the agreement so provides), authorize officers (hereinafter in this Act referred to as 'enforcement officers') to enforce the provisions of the Convention, this Act, and regulations adopted and permits issued under this Act, provided that any such agreement or contract entered into pursuant to this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(b) Enforcement officers may, within the fishery conservation zone—

"(1) with or without a warrant or other process—

"(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 10;

"(B) board, and search or inspect, any fishing vessel which is subject to the provisions of the Convention and this Act;

"(C) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of the Convention, this Act, or any regulation adopted or permit issued under this Act;

"(D) seize any fish (wherever found) taken or retained in violation of any provision referred to in subparagraph (C); and

"(E) seize any other evidence related to any violation of any provision referred to in subparagraph (C);

"(2) execute any warrant or other process issued by any court of competent jurisdiction; and

"(3) exercise any other lawful authority.

"(c) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act.

"(d)(1) Enforcement officers may in the Convention area outside the fishery conservation zone and similar zones of Canada and Japan—

"(A) board any fishing vessel of Canada or Japan catching or processing anadromous species pursuant to the Convention and, without warrant or process, inspect equipment, logs, documents, catch, and other articles, and question persons, on board the vessel for the purpose of carrying out the provisions of the Convention, this Act, or any regulation adopted or permit issued under this Act; and

"(B) if any such vessel or person on board is actually engaged in operations in violation of any such provision, or there is reasonable ground to believe any person or vessel was obviously so engaged before the boarding of such vessel by the enforcement officer, detain such vessel or person and further investigate the circumstances if necessary.

If an enforcement officer, after boarding and investigation, has reasonable cause to believe that any such fishing vessel or person engaged in operations in violation of any provision referred to in subparagraph (A), the officer shall further detain the vessel or person and deliver the vessel or person as promptly as practicable to the authorized officials of the appropriate nation.

"(2) When requested by the appropriate authorities of Canada or Japan, as the case may be, an enforcement officer may be directed to attend as a witness and to produce such available records and files or duly certified copies thereof as may be necessary, for the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law relating to the enforcement thereof.

(7) Section 10 is amended to read as follows:

"SEC. 10. It is unlawful for any person subject to the jurisdiction of the United States—

"(1) to violate any provision of the Convention, this Act, or any regulation adopted or permit issued under this Act;

"(2) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this Act, or any regulation or permit referred to in paragraph (1);

"(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any enforcement officer in the conduct of any search or inspection described in paragraph (2);

"(4) to resist a lawful arrest or detention for any act prohibited by this section; or

"(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such person has committed any act prohibited by this section.".

(8) Section 11 is amended to read as follows:

"SEC. 11. (a)(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 10 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

"(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

"(b)(1) A person is guilty of an offense if he commits any act prohibited by section 10 (1), (3), (4), or (5).

"(2) Any offense described in subsection paragraph (1) is punishable by a fine of not more than $50,000, or imprisonment for not more than six months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000, or imprisonment for not more than ten years, or both.

"(c)(1) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or re-

tained, in any manner, in connection with or as a result of the commission of any act prohibited by section 10 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

"(2) Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under paragraph (1) and any action provided for under paragraph (4).

"(3) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to—

"(A) the disposition of forfeited property;

"(B) the proceeds from the sale of forfeited property;

"(C) the remission or mitigation of forfeitures; and

"(D) the compromise of claims,

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary of Commerce.

"(4)(A) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 9(c) shall—

"(i) stay the execution of such process; or

"(ii) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person (I) delivering such property to the appropriate court upon order thereof, without any impairment of its value, or (II) paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

"(B) Any fish seized pursuant to this Act may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

"(5) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel and which is seized in connection with an act prohibited by section 10 were taken or retained in violation of the Convention and this Act.".

(9) Section 12 is repealed and section 13 is redesignated as section 12.

(10) Section 12 (as redesignated by paragraph (7)) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Such funds as shall be made available to the Secretary for research and related activities shall be expended to carry out the program of the Commission in accordance with the recommendations of the United States Section and to carry out other research and observer programs established pursuant to the Convention.

"(c) There are authorized to be appropriated to the Secretary, for purposes of carrying out the provisions of section 14, such sums not to exceed $1,000,000 for fiscal year 1979 and for each of the next two fiscal years.

"(d) There are authorized to be appropriated to the Secretary, for purposes of carrying out sonar censusing of salmon in fresh water streams of Alaska, not to exceed $500,000 during the period beginning October 1, 1978, and ending September 30, 1981.".

(11) Section 14 is redesignated as section 16.

(12) The following new sections are inserted immediately after section 12 (as redesignated in paragraph (7)):

"SEC. 13. (a) Each Canadian or Japanese fishing vessel which is authorized to fish in the fishery conservation zone pursuant to the Convention shall have on board a registration permit issued under subsection (b).

"(b) The Secretary of State, in cooperation with the Secretary, shall issue annually a registration permit for each Canadian or Japanese fishing vessel which is authorized to fish within the fishery conservation zone pursuant to the Convention. Each such permit shall set forth the terms and conditions contained in the Convention that apply with respect to such operations, and shall include the additional requirement that the owner or operator of the fishing vessel for which the permit is issued shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any enforcement officer. The Secretary of State, after consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall prescribe the form and manner in which applications for registration permits may be made, and the forms of such permits. The Secretary of State may establish, require the payment of, and collect fees for registration permits; except that the level of such fees shall not exceed the administrative costs incurred by him in issuing such permits.

"(c) Notwithstanding any other provision of law, Canadian and Japanese fishing vessels authorized to fish for anadromous species outside the fishery conservation zone pursuant to the Convention shall not be required to obtain any permit relating to such species.

"SEC. 14. (a) The Secretary shall take such actions as are necessary and appropriate to assure the full implementation of the provisions of the Convention under which the United States and the Government of Japan have agreed—

"(1) to carry out a marine mammal research program;

"(2) to determine the effect of the salmon fishery on marine mammal populations; and

"(3) to work to reduce or eliminate the taking of marine mammals incidental to fishing operations.

during the research period ending on June 9, 1981. Such actions shall include, but not be limited to, the placement of observers aboard Japanese fishing vessels for purposes of making scientific observations and studies with respect to the incidental taking of marine mammals.

"(b) During the research period ending on June 9, 1981, the taking of marine mammals incidental to fishing operations by Japanese vessels within the fishery conservation zone shall be regulated in accordance with paragraph 1(c) of the annex to the Convention; except that if the Secretary finds—

"(1) on the basis of the marine mammal research program referred to in subsection (a)(1), that the population of Dall porpoise or of any other marine mammal affected by such incidental taking is below optimum sustainable population and is not trending upward toward such level or is in danger of depletion; or

"(2) that the contemplated research efforts cannot be successfully implemented or that necessary and desirable potential reductions or elimination of incidental taking of marine mammals, although feasible, are not being realized,

the Secretary, acting through the Secretary of State, shall immediately initiate negotiations with the Government of Japan to modify the Convention or recommend such other action as is necessary to limit or eliminate the incidental taking of marine mammals to the extent feasible and, in any event, to the extent required to assure that such populations attain and remain at their optimum sustainable population levels.

"(c) After June 9, 1981, the taking of marine mammals incidental to fishing operations by Japanese vessels within the fishing conservation zone shall be regulated pursuant to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

"(d) The Secretary shall submit to Congress a report, prepared in consultation with the Secretary of State, on May 1 of 1979, 1980, and 1981, which shall set forth the activities undertaken by the United States and Japan to implement the objectives referred to in subsection (a) (1), (2), and (3) and the results of such activities.

"SEC. 15. The Secretary, the Secretary of State, and the Secretary of the department in which the Coast Guard is operating may administer this Act consistent with the terms of the Convention on a provisional basis pending the exchange by all the contracting parties of instruments of ratification or approval of the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on April 25, 1978, in accordance with article II thereof.".

(13) This Act shall take effect on October 1, 1978.

The SPEAKER. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. LEGGETT) and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes each.

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

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

Mr. Speaker, the International Convention for the High Seas Fisheries of the North Pacific Ocean was signed in Tokyo on May 9, 1952, by the Governments of the United States, Canada, and Japan. The Convention has as its purpose to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean and to encourage the conservation of such resources. The Convention, which applies to all waters of the North Pacific Ocean and its adjacent seas, other than territorial waters, provides for the establishment of an International Commission. The Commission is composed of three national sections, each consisting of not more than four members.

In 1976, the Congress enacted the Fishery Conservation and Management Act (FCMA), which established a conservation and management regime for the fishery resources found within 200 miles of the U.S. coast and for anadromous species and Continental Shelf fishery

resources of the United States beyond such zone. The FCMA requires the Secretary of State to initiate the renegotiation of any international fishery agreement to which the United States is a party if such agreement is inconsistent with the provisions of the act. The Secretary of State determined that the INPFC was inconsistent with the FCMA in a number of respects.

In light of the inconsistencies, the Secretary of State on February 10, 1977, deposited a notice to withdraw from the convention. After a series of negotiations designed to conform the INPFC to the FCMA, an agreement was reached on April 25, 1978, and the United States, Japan, and Canada signed a protocol amending the INPFC. Accordingly the notice to terminate was withdrawn.

The main amendments to the convention provided by the protocol are as follows:

First, the abstention line for Japanese fishing vessels involving the taking of salmon originating in U.S. waters would be moved from 175 degrees West longitude to 175 degrees East longitude, which should result in a saving of at least 265,000 salmon annually;

Second, seasonal closures for such Japanese vessels would be provided for large additional areas outside the U.S. Fishery Conservation Zone (FCZ);

Third, limited fishing would be allowed by such Japanese vessel for salmon within a small area within the U.S. FCZ.

Fourth, U.S. scientists would be allowed to observe Japanese salmon catches and methods of operation and Japan would bear the costs associated with placing U.S. scientists on board Japanese vessels operating within the U.S. FCZ;

Fifth, Japan would agree to furnish a research vessel to conduct annual research in the Northern Bering Sea to study the continent of origin of anadromous species migrating in that area; the United States and Canada would be allowed to place up to three scientists aboard that vessel at their own expense;

Sixth, the requirement would be suspended until June 9, 1981 that requires Japanese salmon fishing vessels within the U.S. FCZ to have on board a certificate of inclusion relating to the incidental taking of marine mammals; during this 3-year period, Japan and the United States would conduct joint research to determine the effect of the Japanese salmon fishery on marine mammal populations and to reduce or eliminate the incidental catch of such mammals in this fishery;

Seventh, Japanese or U.S. scientists would conduct annual Dall porpoise sighting surveys on all Japanese salmon research vessels in the convention area and Japan would make every effort to return all Dall porpoises incidentally captured within the U.S. FCZ to Japanese salmon motherships where they would be examined by U.S. scientists; and

Eighth, Japan would make available an appropriate vessel for cooperative Dall porpoise research not later than the 1979 salmon fishery season unless it is agreed such research can be accomplished in another manner.

Mr. Speaker, H.R. 12637 will amend the North Pacific Fisheries Act of 1954—the implementing act for the INPFC—to provide for the implementation of the protocol to the INPFC. Also, it would authorize the necessary funds for carrying out research on marine mammals involved with the fishing fcr salmon—in particular the Dall porpoise—with a view toward seeing that the populations of such mammals attain or remain at their optimum sustainable levels.

In this regard, the bill would authorize to be appropriated $1 million per year for fiscal years 1979, 1980, and 1981.

In addition, the bill would:

First, require at least two of the four U.S. Commissioners to be from Alaska;

Second, increase the Advisory Committee from 20 to 21 and require that at least two-thirds of those appointed to the committee be from Alaska;

Third, increase from three to five the number of Advisory Committee members who could have their expenses paid incident to attending Commission meetings; and

Fourth, authorize to be appropriated $500,000 for carrying out sonar censusing of salmon in fresh water streams in Alaska.

Mr. Speaker, the protocol has the strong support of the administration and of our fishing industry in general. The legislation was unanimously reported by the committee and I urge its prompt passage.

Mr. Speaker, when checking with the Budget Committee prior to scheduling H.R. 12637 for a vote, I was advised that the bill was in technical violation of the Budget Act in two respects. Language to correct these deficiencies has been agreed to by the Budget Committee and has been included in the bill, as amended. Attached to my statement is a brief explanation of the language added to the bill and the reasons therefor:

ATTACHMENT No. 1

Section 401(a) of the Budget Act provides that it is not in order in either the House or Senate to consider any bill or resolution which provides new spending authority that would allow the United States to enter into contracts under which the United States is obligated to make outlays, unless the spending authority is provided in advance by appropriation Acts.

On page 24, line 4, after the word "Act", the following language was added:

", provided that any such agreement or contract entered into pursuant to this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.".

This language would correct this deficiency by making the new spending authority subject to appropriations provided in advance in appropriation Acts.

Section 402(a) of the Budget Act provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

In the case of this legislation, the bill would have had to have been reported prior to May 15, 1977, which was not the case.

To correct this deficiency, the following language was added on page 36 after line 18:

"(13) This Act shall take effect on October 1, 1978."

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

Mr. Speaker, I rise in support of H.R. 12637 which implements the recently negotiated protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, commonly known as the INPFC. The original INPFC was signed in Tokyo on May 9, 1952, by the Governments of the United States, Canada, and Japan. The convention has as its purpose to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean and to encourage the conservation of these resources.

Until the passage of the Fishery Conservation and Management Act of 1976, the INPFC was the dominant conservation regime for salmon in the North Pacific Ocean. With the enactment of the Fishery Conservation and Management Act, the United States was confronted with a choice. We could have simply excluded the Japanese from the U.S. 200-mile zone pursuant to the FCMA, or we could renegotiate the INPFC to make it consistent with our 200-Mile Act. The decision was made to renegotiate the INPFC, and the protocol which H.R. 12637 implements is the result of those negotiation efforts.

Under the existing INPFC, Japan agreed to refrain from taking salmon of North American origin east of 175° west longitude. Even with this abstention line the Japanese salmon fishery took approximately 2.5 million North American salmon each year during the 1964 to 1973 period. Under the renegotiated INPFC, Japan's salmon fishery is expected to take only 400,000 to 668,000 North American salmon. At the low range, this would be an 85 percent reduction in annual interceptions. If the United States had simply closed its 200-mile fishery conservation zone to the Japanese fleet, and if the Japanese continued to respect the abstention line, the United States would have reduced Japanese interception of North American salmon by only 72 percent over the 1964 to 1973 harvest level. The 13-percent greater reduction achieved by the new protocol translates into an annual saving of at least 265,000 salmon.

It must be noted, however, that the Japanese would not be obligated to respect the 175°W. longitude abstention line if the United States withdrew from the INPFC and simply excluded the Japanese from fishing for salmon within the U.S. 200-mile zone. If the Japanese begin fishing east of the existing abstention line, they would have access to North American salmon in the Gulf of Alaska beyond the U.S. 200-mile zone and U.S. scientists estimate that the Japanese salmon fleet could harvest approximately 16 million North American salmon in this area. There are, therefore, substantial benefits to be derived from renegotiating the INPFC rather than electing to simply exclude the Japanese from the U.S. 200-mile zone.

It should also be noted that although the new agreement permits Japan to fish for salmon in a 70,000-square-mile area

within the U.S. 200-mile zone, the Japanese have, in exchange, agreed to refrain from fishing salmon in an area of approximately 775,000 square miles outside of the U.S. 200-mile zone. To accomplish this, the protocol extends the existing abstention line 10 degrees further westward to 175°E. longitude.

The new protocol obligates Japan to undertake a significant amount of research relating to salmon and to the taking of marine mammals incidental to the high seas salmon fishery. Currently, the Japanese high seas salmon fishery takes between 2,000 and 20,000 Dall porpoises incidental to its high seas salmon fishery. Preliminary studies suggest that approximately 13 percent of that number is taken within the U.S. fishery conservation zone. To reduce this level of incidental mortality, the new agreement obligates the United States and Japan to undertake a gear research and development program. In addition, there will be a joint biological research effort to obtain data regarding the abundance and status of Dall porpoise. This information, which is not presently available, will enable the United States to determine the impact of the high seas salmon fishery on this porpoise population. Without the research platform which the Japanese fleet will provide U.S. scientists, the United States would probably be unable to develop this critically needed information.

By implementing the newly negotiated protocol to the INPFC, H.R. 12637 will provide substantial new protections for salmon which spawn in North American waters. It will also provide a unique opportunity for the United States to develop critically needed biological information on Dall porpoises and to develop, in cooperation with the Japanese, fishing technology which will eliminate the incidental taking of these porpoises.

But H.R. 12637 does more than simply implement the new agreement. The legislation authorizes $500,000 for the purpose of undertaking a sonar census of salmon in the silt-laden streams of Alaska. To accurately monitor the effect of Japan's high seas salmon fishery, it is important that U.S. scientists be able to count the number of salmon returning to spawn. Unfortunately, many rivers in Alaska are filled with sediment and visual censusing is impossible. Pursuant to an amendment to H.R. 12637 which I offered, the Department of Commerce will be able to undertake a sonar censusing program which will, for the first time, provide complete data on the number of salmon returning to spawn. H.R. 12637 also recognizes that the dominant interest affected by the INPFC is in Alaska. Therefore, the legislation requires that two of the four U.S. representatives to the INPFC and two-thirds of the U.S. Advisory Committee shall be residents of Alaska.

Mr. Speaker, the INPFC, as renegotiated, provides significant new protections for North American salmon and I urge that H.R. 12637, which implements this new agreement, be adopted.

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

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

Mr. DON H. CLAUSEN. Mr. Speaker, once again I want to commend this committee for its responsive action in dealing with an improvement in the original 200-mile limit legislation that was cleared through this committee.

Mr. Speaker, I rise in strong support of the proposed amendments to the North Pacific Fisheries Act.

I would like to take this opportunity to compliment the Merchant Marine and Fisheries Committee members; in particular my distinguished colleague from California (Mr. LEGGETT), my colleague from New Jersey (Mr. FORSYTHE), and the House Merchant Marine and Fisheries Committee; for their willingness to address the need that has developed as a result of enactment of the 200-mile fishing limit, to update and amend existing statutes to make them coincide with international fishing agreements between the United States and other nations.

This legislation is necessary to implement a recently negotiated Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC). The revised international convention will have the effect of reducing Japan's salmon mothership fishery by approximately 85 percent.

In addition, the Japanese have agreed to conduct an extensive salmon research program which will provide the data we need to allow us to establish a more effective conservation and management program for salmon and a marine mammal research program to assess the impact of the Japanese salmon fishery on these species, in particular the Dall porpoise. The marine mammal research will assist us in developing new techniques for reducing the incidental killing of marine mammals. Without this agreement, it is believed this research would not take place as it requires the cooperation of the Japanese.

Our salmon fishery is an important segment of our fishing industry on the north coast of California and I urge my colleagues to support this legislation which will enable us to continue in our efforts to enhance and protect this industry.

● Mr. MURPHY of New York. Mr. Speaker, the purpose of H.R. 21637 is to amend the North Pacific Fisheries Act to implement a recently negotiated protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC).

This convention has as its purpose to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean and to encourage the conservation of these resources.

Mr. Speaker, the INPFC was signed in Tokyo in 1952 by the Governments of the United States, Canada, and Japan. Under the terms of this convention, Japan agreed to abstain from fishing for, and Canada and the United States agreed to continue to implement conservation measures with respect to, halibut and herring of North American origin found in the convention area off the coasts of Canada and the United States and salmon of North American origin east of the line of meridian 175 degrees West longitude.

Mr. Speaker, in general, the INPFC has been effective and has met with the approval and cooperation of American fishermen except with respect to salmon. U.S. fishermen have contended ever since the inception of the convention that the line beyond which Japanese fishermen agreed not to fish east of for salmon should be moved farther west. Through the successful efforts of the U.S. negotiators, this concern has now been satisfied. The new convention was agreed to as a result of the mandate in our 200-Mile Fishery Zone Act, which requires all fisheries treaties to which the United States is a party to be renegotiated if such treaties are inconsistent with that act. The main amendment to the INPFC provided by the protocol would result in the abstention line—beyond which Japanese vessels would refrain from taking salmon originating in U.S. waters—being moved 10° farther west.

Mr. Speaker, the moving of this abstention line farther west will result in a substantial saving of U.S. origin salmon. Under the present convention, during the period of 1964–73, the Japanese salmon mothership fishery took approximately 2.5 million North American salmon each year. Under the revised INPFC, this mothership fishery is expected to take only 400,000 to 668,000 North American salmon. This would translate into approximately an 85 percent reduction in annual interceptions by the mothership fishery. However, had the United States closed its 200-mile fishery zone to the Japanese fleet and had the Japanese continued to abstain from fishing east of the abstention line, the United States could have reduced Japanese interceptions of North American salmon by only 72 percent over the base period level. This 13-percent greater reduction, which is estimated to be achieved by the new protocol to the convention, translates into a saving of at least 265,000 salmon per year.

Mr. Speaker, this feature of the protocol alone makes it imperative that H.R. 12637, the legislation that will provide the necessary authority for implementing the new convention, be passed immediately. In addition, Japan has agreed to conduct a joint research program with the United States to determine the effect of the Japanese fishery on those marine mammal populations—in particular Dall porpoises—which are taken incidental to that fishery, and on ways to reduce or eliminate the incidental catch of such marine mammals.

Mr. Speaker, I think our U.S. negotiators, in particular Ambassador Negroponte, did an outstanding job in renegotiating this convention. It has the strong support of our U.S. fishery industry and the implementing legislation for this convention was reported unanimously by the Committee on Merchant Marine and Fisheries.

I urge the immediate passage of H.R. 12637.●

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

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

The SPEAKER pro tempore (Mr. MOAKLEY). The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12637, as amended.

The question was taken.

Mr. THONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, and the prior announcement of the Chair, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just considered.

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

There was no objection.

POLAR LIVING MARINE RESOURCES CONSERVATION ACT OF 1978

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12668) to establish a conservation program for the living marine resources of the Arctic and southern oceans, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Polar living marine resources Conservation Act of 1978".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) the living marine resources of the Arctic Ocean and the Southern Ocean could contribute to the food supply and economy of the Nation and the world;

(2) the potentially harmful, and possibly irreversible, effects which may result from the harvesting of polar living marine resources should be prevented;

(3) certain marine animals (including threatened and endangered species) are dependent for their existence on continued adequate supplies of krill and other polar living marine resources which are now subject to harvesting;

(4) existing knowledge of the impact of human activity including harvesting upon the marine environment of the Arctic Ocean and the Southern Ocean is inadequate;

(5) there is a need to prevent the depletion of harvested species of polar living marine resources to levels below those which produce the greatest net annual increment in population numbers or biomass;

(6) there is a need to maintain the balance of the ecosystems within the Arctic Ocean and the Southern Ocean by taking into account the relationships of harvested species with dependent and related species, and to restore species or populations which are below levels which produce the greatest net annual increment in population numbers or biomass;

(7) effective international agreements are needed for the conservation of the living marine resources of the Arctic Ocean and the Southern Ocean; and

(8) a domestic program should be established—

(A) to assess the effects of harvesting on the living marine resources of the Arctic Ocean and the Southern Ocean;

(B) to support the obligations, commitments, and interests of the United States in international activities which provide for the conservation and management of these living marine resources; and

(C) to develop the technology for harvesting and processing polar living marine resources for the benefit of the United States and the international community.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Arctic Ocean" means the high seas within the area north of sixty degrees north latitude and the high seas south of such latitude which are within either the Bering Sea or the United States fishery conservation zone adjacent to the territorial sea off Alaska.

(2) The term "high seas" does not include any foreign fishery conservation zone which is recognized by the United States.

(3) The term "polar living marine resources" means any species of the animal kingdom which inhabits, and any species of the plant kingdom which occurs in, the marine environment of the Arctic Ocean or the Southern Ocean.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "Southern Ocean" means the high seas south of the Antarctic convergence.

ESTABLISHMENT OF CONSERVATION PROGRAM

SEC. 4. (a) The Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish and carry out a comprehensive program which provides for the study, monitoring, and assessment of polar living marine resources and the marine environment of the Arctic Ocean and Southern Ocean. The objectives of the program shall include, but are not limited to—

(1) a continuing evaluation of the health and productivity of such resources, which evaluation shall include a study of the impacts on the marine environment of the commercial harvesting of such resources;

(2) the formulation of appropriate actions and measures which may be taken by the United States unilaterally, or in concert with foreign nations, to conserve polar living marine resources and to protect the marine environment of the Arctic Ocean and the Southern Ocean; and

(3) the development of feasible and environmentally sound methods for the harvesting and processing of such resources.

(b) For the purpose of carrying out the program described in subsection (a), the Secretary—

(1) shall acquire (by purchase, charter, or otherwise) and operate an appropriately equipped vessel; and

(2) may undertake such other activities as are necessary and appropriate.

GRANTS AND CONTRACTS

SEC. 5. (a) The Secretary, to such extent, or in such amounts, as are provided in advance in appropriation Acts, may make grants, and enter into contracts, under this section for the purpose of carrying out, in whole or in part, any study, monitoring, or assessment undertaken pursuant to section 4(a).

(b) Any person may apply to the Secretary for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Secretary shall by regulation prescribe.

(c) Any grant made, or contract entered into, under this section shall be subject to such terms, conditions, and requirements as the Secretary deems necessary and appropriate.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary and the Comptroller General, may be related or pertinent to such grants and contracts.

(e) For purposes of this section, the term "person" includes, but is not limited to, any educational institution or non-profit organization, whether or not such institution or organization exists or is organized under the laws of the United States or any State thereof.

INTERAGENCY COOPERATION

SEC. 6. (a) The Secretary shall consult with other Federal agencies which have statutory or administrative responsibilities for polar living marine resources research or protection to ensue that—

(1) the study, monitoring, and assessment carried out under section 4 is coordinated, to the maximum extent practicable, with the activities being conducted pursuant to such responsibilities;

(2) the vessel acquired pursuant to section 4(b)(1) is designed and operated so that such activities may, to the maximum extent practicable, be accommodated by the vessel; and

(3) the program established by section 4 is carried out in a manner consistent with, and in support of, the obligations of the United States under any existing or future international convention or treaty which is in force and effect with respect to the United States.

(b) Upon written request by the Secretary, the chief executive officer of any Federal agency—

(1) may make available to the Secretary, on a reimbursable basis or otherwise, those personnel, services or facilities of that agency which the Secretary deems necessary for the carrying out of section 4; and

(2) shall furnish to the Secretary such data or other information available to that agency which the Secretary deems appropriate for the carrying out of the provisions of this Act.

REPORTS

SEC. 7. (a) The Secretary shall, within twelve months after the date of the enactment of this Act, submit to Congress and the President a report containing—

(1) an assessment of the present domestic and international activities being undertaken with respect to the conservation, and the commercial harvesting and processing, of polar living marine resources; and

(2) a general description of the study, monitoring, and assessment which the Secretary proposes to carry out under the program established pursuant to section 4 during the first three years of the program.

(b) The Secretary shall submit to Congress and the President not later than February 15 of each year after 1980 a report containing—

(1) a detailed description of the study, monitoring, and assessment projects carried out under this authority of this Act during the immediately preceding fiscal year and of the results of such actions; and

(2) any recommendations, including, but not limited to, suggested legislation, which the Secretary may have for furthering the domestic and international efforts to conserve polar living marine resources.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated to the Department of Commerce—

(1) not to exceed $6,000,000 for each of fiscal years 1979, 1980, 1981, and 1982, to carry out this Act, including the mainte-

nance and repair of the vessel referred to in section 4(b); and

(2) not to exceed $20,000,000, commencing with the fiscal year ending September 30, 1979, for the acquisition of such vessel, including all necessary gear and appurtenances and naval architectural and engineering services.

(b) Any sums appropriated pursuant to subsection (a) shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LEGGETT) will be recognized for 20 minutes and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 12668 authorized the Secretary of Commerce to acquire an appropriately equipped vessel for the purpose of implementing a comprehensive program for the study, monitoring, and assessment of the living marine resources and the marine environment of the Arctic and the southern oceans.

The program would include: A continuing evaluation of the impact of commercial harvesting activities on the polar marine environment; a determination of those actions which should be taken by the United States to conserve polar living marine resources; and the development of feasible and environmentally sound methods for harvesting and processing such resources.

The Secretary would be authorized to make grants and to enter into contracts in carrying out such a program. She would also be directed to consult with other Federal agencies which have statutory or administrative responsibilities for polar living marine resources research or protection, thus, insuring that the program accommodates to the maximum extent practicable, the research activities of the other agencies.

Conversely, the chief executive officer of any Federal agency would be directed to make available any personnel, services, facilities, data or other information at his disposal to the Secretary which she deems as necessary to carry out this program.

Finally, Mr. Speaker, the bill would authorize $20 million to be appropriated to the Department of Commerce for the acquisition of an appropriately equipped fisheries research vessel. It also authorizes $6 million to be appropriated for each of the fiscal years 1979 through 1982 to carry out the act.

If the United States is to be a leader in the soon-to-be established conservation regime to protect polar living marine resources, we must start to collect biological data on these resources immediately. The history of other international conventions, such as the International Whaling Commission, clearly demonstrates the critical need for biological data. If the United States and other nations with strong conservation interests do not establish national programs to obtain this information, it is highly unlikely that the harvesting nations will do so.

Despite the obvious and pressing need for biological data on the living marine resources of the Arctic and Southern Oceans, existing U.S. research programs are virtually nonexistent. The National Oceanic and Atmospheric Administration has only one fisheries research vessel which is capable of working in the adverse weather conditions of the polar regions. This vessel, however, is not ice strengthened, and is, therefore, incapable of working close to or in partially ice-filled or ice-covered waters.

The total absence of U.S. fishery research capabilities in the polar regions highlights the need to upgrade our present research efforts. H.R. 12668 will accomplish this objective and will provide a framework for insuring the effective conservation and the rational utilization of the living marine resources of the Arctic and Southern Oceans. I urge its prompt passage.

The bill before the House today includes technical amendments suggested by the Budget Committee. These amendments insure compliance with the Budget Act.

Mr. Speaker, as a sidelight, the program we are talking about, reviewing the Antarctic Ocean, involves a bulk harvestable per year which we estimate to be twice the average tonnage of fish harvested throughout the world. Whether or not that is true will have to be verified by further and detailed research, and I believe it is a further critical reason why we need to go ahead with this ship at this time.

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

Mr. Speaker, despite the climatic severity and remoteness of Antarctica, this continent has attracted man's economic interest since Cook's voyages in the 17th century. The results of that interest constitute a sad chapter in our history.

The continuous harvesting of whales in Antarctic waters has severely reduced their numbers and driven some species to the brink of extinction. Prior to the curtailment of commercial sealing, it appeared that the various species of seals which inhabit the Antarctic Ocean would suffer the same fate. Today, a new threat to the living marine resources of the Antarctic Ocean confronts us—that threat is the overharvesting of krill.

The Antarctic marine ecosystem is described as both simple and unstable. It is simple in that krill constitute the major food source for over 22 species of whales, seals, birds, and fish. It is unstable in that an imbalance in any part of this biomass might disrupt the normal ecosystem. A dramatic reduction in the krill resource could lead to a commensurate reduction in other populations. In no other ecosystem in the world are so many species dependent on one species for their survival.

As the nations of the world turn their attention to the krill resource, it is likely that irreparable harm to all the living resources of the Antarctic will occur unless a comprehensive convention for the conservation of the living marine resources of the Antarctic is established.

The magnitude of the Antarctic krill resource is reflected by the fact that the existing stock is estimated to be between 800 million and 6.6 billion metric tons. The annual optimum sustainable yield may be between 30 million and 150 million metric tons.

The importance of this resource is found in the fact that in November 1975, the world's population passed the 4 billion mark, and demographers expect this figure to almost double, to 7 billion, by the year 2000. To feed this population, we will need to increase our harvest of marine protein to 130 to 150 million tons per year. Given the fact that the maximum sustainable yield from the existing world fisheries, excluding krill, is estimated to be only 100 million metric tons per year, it is clear that we will be unable to meet the protein needs of a burgeoning world population unless the krill resource is developed in an environmentally sound and rational manner.

In addition to their food potential, these small crustaceans have industrial uses. The outer covering of the krill's body is chitin, a substance which is similar to cellulose and which can be converted by a relatively simple process to chitosan. To an industrial society, chitosan is an extremely important compound. In fact, there are approximately 1,000 known industrial uses for chitosan.

With its potential for food and industrial use, the krill population of the Antarctic Ocean is coming under increasing pressure. What that pressure means for the krill and for the animal populations which depend on krill is uncertain. What is certain is that an unrestrained harvest will inevitably destroy the marine environment of the Antarctic.

Because of the need to establish a comprehensive and effective international convention for the conservation of the living marine resources of the Antarctic, I introduced H.R. 10905, which provided for the establishment of a program to study, assess, and monitor the living marine resources of the Antarctic Ocean. An essential ingredient of this program, which is now embodied in H.R. 12668, is the development of data which will be necessary to establish conservation regulations for the harvesting of krill. This legislation also provides for the establishment of a similar program to protect and conserve the living resources of the Arctic Ocean.

For too long, man has sought to take from the environment all that he could. In every instance, the price has been paid by future generations. It is time that we as a nation take a strong stand to insure that the generations which follow ours will not look to the polar oceans and see an environment ravaged by man's foolishness.

Mr. Speaker, I urge the adoption of H.R. 12668.

● Mr. MURPHY of New York. Mr. Speaker, I am happy to be able to commend to you for favorable consideration by the House the bill, H.R. 12668, which

was reported unanimously by the Merchant Marine and Fisheries Committee. This bill would establish a polar living marine resources conservation program.

The polar oceans are remote, stormy, inhospitable seas partially covered with ice. However, they are uniquely blessed with an abundance of living creatures.

In recent years, increased demands for new sources of protein and advanced fishing technology have led to great interest in commercial exploitation of polar living marine resources. Extensive new fisheries are expanding in the north polar regions, including the waters around Alaska.

However, the most promising of the polar living marine resources is a shrimplike animal called krill found in the southern ocean around Antarctica. Krill is so abundant it has been estimated that 200 million tons a year could be taken in a sustained yield fishery. This is approximately three times the present world seafood production.

Mr. Speaker, the value of this vast food resource in our starving world is obvious. However, this is not the only value of krill. Krill shells can readily be converted to chitosan, a valuable industrial chemical with over a thousand uses.

The Soviet Union, Japan, Poland, Chile, Taiwan, South Korea, West Germany, East Germany, Norway, and Spain, have all mounted exploratory krill fishing expeditions in the last 3 years. Over 200,000 tons of krill were reported taken during the past summer. Many more countries including France, South Africa, the United Kingdom, and China plan to begin krill fishing in the near future.

Uncontrolled exploitation of krill poses an unprecedented potential danger to the ecology of the southern oceans. All of the whales, seals, penguins, sea birds, squid, and fishes in the southern ocean ecosystem are either directly or indirectly dependent on krill for their food. In no other fishery is the harvested species at such a critical point in the food chain. Overfishing of krill could endanger fishers, marine mammals, and sea birds long before the krill resource itself was threatened.

The unique danger of uncontrolled krill fishing has been acknowledged by many nations, and later this year the United States will probably sign a Convention for the Conservation of the Living Marine Resources of the Antarctic Region. A draft negotiating text of this convention was agreed to at a recent special consultative meeting of the Antarctic Treaty nations. The draft convention is a landmark in international environmental conservation law in that it provides for the regulation of harvesting of all Antarctic living marine resources, not just krill, and establishes conservation aims that insure the protection of all living organisms in the ecosystem, not just those that are harvested.

Despite the progress of the draft convention, effective protection of the entire Antarctic ecosystem from adverse impact due to krill harvesting will be impossible without detailed scientific understanding of the southern ocean ecology. Some of this necessary scientific information will come from the krill harvesting, but information on nonharvested species can only be obtained from scientific research programs.

Unfortunately, at present the United States has only a minimal research program on southern ocean marine biology, which does not include fisheries research. This program relies on the use of a vessel which the National Science Foundation leases from Argentina, and which Argentina leases from the U.S. Navy. The United States does not possess a single fisheries research vessel that is ice strengthened and can operate in the polar oceans. This is a national disgrace.

The United States should have at least two ice-strengthened fisheries research vessels, one to operate in each polar region. The bill before us today provides for only one vessel and minimal operating funds. We must put the United States in a position where it can continue to have a voice in the development and conservation of polar living marine resources. I urge your support of this vital legislation.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12668, as amended.

The question was taken.

Mr. BROWN of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 8394, H.R. 12637, and H.R. 12668, on which the yeas and nays have been ordered.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

REFUGE REVENUE SHARING ACT OF 1978

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 8394, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 8394, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 28, not voting 66, as follows:

[Roll No. 414]

YEAS—340

Abdnor	Duncan, Tenn.	Kildee
Addabbo	Early	Kindness
Akaka	Eckhardt	Kostmayer
Ambro	Edgar	LaFalce
Ammerman	Edwards, Calif.	Lagomarsino
Anderson, Calif.	Eilberg	Latta
	Emery	Leach
Anderson, Ill.	English	Lederer
Andrews, N.C.	Erlenborn	Le Fante
Andrews, N. Dak.	Ertel	Leggett
	Evans, Colo.	Lehman
Annunzio	Evans, Del.	Lent
Armstrong	Evans, Ga.	Levitas
Ashbrook	Fary	Livingston
Ashley	Fascell	Lloyd, Calif.
Aspin	Fenwick	Lloyd, Tenn.
AuCoin	Findley	Long, La.
Bafalis	Fish	Long, Md.
Baldus	Fisher	Lott
Barnard	Fithian	Luken
Bauman	Flood	Lundine
Beard, R.I.	Foley	McClory
Beard, Tenn.	Ford, Tenn.	McCormack
Bedell	Forsythe	McEwen
Biaggi	Fountain	McFall
Blouin	Fowler	McHugh
Boggs	Fraser	McKay
Boland	Frey	McKinney
Bolling	Fuqua	Madigan
Bonior	Gammage	Mahon
Bonker	Garcia	Mann
Brademas	Gaydos	Markey
Breaux	Gephardt	Marks
Breckinridge	Gilman	Marlenee
Brinkley	Ginn	Marriott
Brodhead	Glickman	Martin
Brooks	Goldwater	Mathis
Broomfield	Gonzalez	Mattox
Brown, Calif.	Goodling	Mazzoli
Brown, Mich.	Gore	Meeds
Brown, Ohio	Gradison	Metcalfe
Burgener	Grassley	Meyner
Burke, Fla.	Green	Michel
Burke, Mass.	Gudger	Mikulski
Burleson, Tex.	Guyer	Milford
Burlison, Mo.	Hagedorn	Miller, Calif.
Burton, John	Hall	Miller, Ohio
Burton, Phillip	Hamilton	Mitchell, Md.
Butler	Hammer-schmidt	Mitchell, N.Y.
Byron		Moakley
Caputo	Hanley	Moffett
Carr	Hansen	Moore
Carter	Harkin	Moorhead, Calif.
Cavanaugh	Harrington	
Cederberg	Harris	Moorhead, Pa.
Chappell	Harsha	Murphy, Ill.
Chisholm	Hawkins	Murphy, Pa.
Clausen, Don H.	Heckler	Murtha
	Hefner	Myers, Gary
Clay	Heftel	Myers, John
Cleveland	Hightower	Myers, Michael
Cohen	Hillis	Natcher
Coleman	Hollenbeck	Neal
Collins, Ill.	Holt	Nedzi
Conable	Holtzman	Nolan
Corcoran	Horton	Nowak
Corman	Hubbard	Oberstar
Cornell	Huckaby	O'Brien
Cornwell	Hughes	Ottinger
Coughlin	Hyde	Panetta
Crane	Ichord	Patterson
Cunningham	Ireland	Pattison
D'Amours	Jeffords	Pease
Daniel, Dan	Jenkins	Pepper
Daniel, R. W.	Johnson, Calif.	Perkins
Davis	Johnson, Colo.	Pettis
de la Garza	Jones, N.C.	Pickle
Delaney	Jones, Tenn.	Poage
Derrick	Jordan	Preyer
Derwinski	Kasten	Price
Devine	Kastenmeier	Pritchard
Dicks	Kazen	Pursell
Dingell	Kelly	Quillen
Dodd	Kemp	Rahall
Downey	Ketchum	Railsback
Drinan	Keys	Rangel

Regula	Sisk	Udall
Reuss	Skelton	Ullman
Rhodes	Skubitz	Van Deerlin
Richmond	Slack	Vander Jagt
Rinaldo	Smith, Iowa	Vanik
Risenhoover	Smith, Nebr.	Vento
Roberts	Snyder	Volkmer
Robinson	Solarz	Waggonner
Roe	Spellman	Walgren
Rogers	Spence	Walker
Roncalio	St Germain	Walsh
Rooney	Staggers	Wampler
Rose	Stangeland	Watkins
Rosenthal	Stanton	Weiss
Rostenkowski	Stark	Whalen
Ruppe	Steed	White
Russo	Steers	Whitley
Sarasin	Steiger	Whitehurst
Satterfield	Stockman	Wilson, Tex.
Sawyer	Stratton	Winn
Scheuer	Studds	Wolff
Schroeder	Symms	Wright
Schulze	Taylor	Wydler
Sebelius	Thompson	Wylie
Seiberling	Thone	Yatron
Sharp	Thornton	Young, Fla.
Shipley	Traxler	Young, Mo.
Shuster	Treen	Zablocki
Sikes	Trible	Zeferetti

NAYS—28

Archer	Evans, Ind.	Moss
Badham	Frenzel	Mottl
Benjamin	Jacobs	Quayle
Bennett	Jones, Okla.	Rousselot
Bingham	Krebs	Rudd
Blanchard	Lujan	Wiggins
Clawson, Del	McDade	Wirth
Collins, Tex.	McDonald	Yates
Conte	Maguire	
Edwards, Okla.	Mikva	

NOT VOTING—66

Alexander	Flippo	Patten
Allen	Florio	Pike
Applegate	Flowers	Pressler
Baucus	Flynt	Quie
Beilenson	Ford, Mich.	Rodino
Bevill	Giaimo	Roybal
Bowen	Gibbons	Runnels
Broyhill	Hannaford	Ryan
Buchanan	Holland	Santini
Burke, Calif.	Howard	Simon
Carney	Jenrette	Stokes
Cochran	Krueger	Stump
Conyers	McCloskey	Teague
Cotter	Mineta	Tsongas
Danielson	Minish	Tucker
Dellums	Mollohan	Waxman
Dent	Montgomery	Weaver
Dickinson	Murphy, N.Y.	Whitten
Diggs	Nichols	Wilson, Bob
Dornan	Nix	Wilson, C. H.
Duncan, Oreg.	Oakar	Young, Alaska
Edwards, Ala.	Obey	Young, Tex.

The Clerk announced the following pairs.

Mr. Jenrette with Mr. Allen.
Mr. Cotter with Mr. Edwards of Alabama.
Mr. Alexander with Mr. Broyhill.
Mr. Baucus with Mr. Pressler.
Mr. Howard with Mr. Holland.
Mr. Minish with Mr. Dent.
Mr. Patten with Mr. McCloskey.
Mr. Bevill with Mr. Runnels.
Mr. Nichols with Mr. Buchanan.
Ms. Oakar with Mr. Stump.
Mr. Santini with Mr. Conyers.
Mr. Waxman with Mr. Dickinson.
Mr. Flynt with Mr. Teague.
Mr. Carney with Mr. Mollohan.
Mr. Danielson with Mr. Quie.
Mr. Bowen with Mr. Cochran of Mississippi.
Mr. Charles H. Wilson of California with Mr. Obey.
Mr. Ryan with Mr. Diggs.
Mr. Applegate with Mr. Bob Wilson.
Mrs. Burke of California with Mr. Young of Alaska.
Mr. Florio with Mr. Dornan.
Mr. Roybal with Mr. Tucker.
Mr. Simon with Mr. Whitten.
Mr. Stokes with Mr. Montgomery.
Mr. Tsongas with Mr. Beilenson.
Mr. Weaver with Mr. Dellums.
Mr. Krueger with Mr. Flowers.
Mr. Flippo with Mr. Ford of Michigan.
Mr. Gibbons with Mr. Duncan of Oregon.
Mr. Hannaford with Mr. Giaimo.
Mr. Pike with Mr. Mineta.

Messrs. ROUSSELOT, McDADE, CONTE, FRENZEL, BADHAM and QUAYLE changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTH PACIFIC FISHERIES ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 12637, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12637, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 66, as follows:

[Roll No. 415]

YEAS—368

Abdnor	Cederberg	Fowler
Addabbo	Chappell	Fraser
Akaka	Chisholm	Frenzel
Ambro	Clausen, Don H.	Frey
Ammerman	Clawson, Del	Fuqua
Anderson, Calif.	Clay	Gammage
Anderson, Ill.	Cleveland	Garcia
Andrews, N.C.	Cohen	Gaydos
Andrews, N. Dak.	Coleman	Gephardt
Annunzio	Collins, Ill.	Giaimo
Archer	Collins, Tex	Gilman
Armstrong	Conable	Ginn
Ashbrook	Conte	Glickman
Ashley	Corcoran	Goldwater
Aspin	Corman	Gonzalez
AuCoin	Cornell	Goodling
Badham	Cornwell	Gore
Bafalis	Coughlin	Gradison
Baldus	Crane	Grassley
Barnard	Cunningham	Green
Bauman	Daniel, Dan	Gudger
Beard, R.I.	Daniel, R. W.	Guyer
Beard, Tenn.	Davis	Hagedorn
Bedell	de la Garza	Hall
Benjamin	Delaney	Hamilton
Bennett	Derrick	Hammer-schmidt
Biaggi	Derwinski	Hanley
Bingham	Devine	Hansen
Blanchard	Dicks	Harkin
Blouin	Dingell	Harrington
Boggs	Dodd	Harris
Boland	Downey	Harsha
Bolling	Drinan	Hawkins
Bonior	Duncan, Tenn.	Heckler
Bonker	Early	Hefner
Brademas	Eckhardt	Heftel
Breaux	Edgar	Hightower
Breckinridge	Edwards, Calif.	Hillis
Brinkley	Edwards, Okla.	Hollenbeck
Brodhead	Eilberg	Holtzman
Brooks	Emery	Horton
Broomfield	English	Hubbard
Brown, Calif.	Erlenborn	Huckaby
Brown, Mich.	Ertel	Hughes
Brown, Ohio	Evans, Colo.	Hyde
Burgener	Evans, Del.	Ichord
Burke, Fla.	Evans, Ga.	Ireland
Burke, Mass.	Evans, Ind.	Jacobs
Burleson, Tex.	Fary	Jeffords
Burlison, Mo.	Fascell	Jenkins
Burton, John	Fenwick	Johnson, Calif.
Burton, Phillip	Findley	Johnson, Colo.
Butler	Fish	Jones, N.C.
Byron	Fisher	Jones, Okla.
Caputo	Fithian	Jones, Tenn.
Carr	Foley	Jordan
Carter	Ford, Tenn.	Kasten
Cavanaugh	Forsythe	Kastenmeier
	Fountain	Kazen
Kelly	Moorhead, Pa.	Shuster
Kemp	Moss	Sikes
Ketchum	Mottl	Sisk
Keys	Murphy, Ill.	Skelton
Kildee	Murphy, Pa.	Skubitz
Kindness	Murtha	Slack
Kostmayer	Myers, Gary	Smith, Iowa
Krebs	Myers, John	Smith, Nebr.
LaFalce	Myers, Michael	Snyder
Lagomarsino	Natcher	Solarz
Latta	Neal	Spellman
Le Fante	Nedzi	Spence
Leach	Nolan	St Germain
Lederer	Nowak	Staggers
Leggett	O'Brien	Stangeland
Lehman	Oberstar	Stanton
Lent	Obey	Stark
Levitas	Ottinger	Steed
Livingston	Panetta	Steers
Lloyd, Calif.	Patterson	Steiger
Lloyd, Tenn.	Pattison	Stockman
Long, La.	Pease	Stratton
Long, Md.	Pepper	Studds
Lott	Perkins	Symms
Lujan	Pettis	Taylor
Luken	Pickle	Thompson
Lundine	Poage	Thone
McClory	Preyer	Thornton
McCormack	Price	Traxler
McDade	Pritchard	Treen
McDonald	Pursell	Trible
McEwen	Quayle	Udall
McFall	Quillen	Ullman
McHugh	Rahall	Van Deerlin
McKay	Railsback	Vander Jagt
McKinney	Rangel	Vanik
Madigan	Regula	Vento
Maguire	Reuss	Volkmer
Mahon	Rhodes	Waggonner
Mann	Richmond	Walgren
Markey	Rinaldo	Walker
Marks	Risenhoover	Walsh
Marlenee	Roberts	Wampler
Marriott	Robinson	Watkins
Martin	Roe	Weiss
Mathis	Rogers	Whalen
Mattox	Roncalio	White
Mazzoli	Rooney	Whitehurst
Meeds	Rose	Whitley
Metcalfe	Rosenthal	Wiggins
Meyner	Rostenkowski	Wilson, Tex.
Michel	Rousselot	Winn
Mikulski	Rudd	Wirth
Mikva	Ruppe	Wolff
Milford	Russo	Wright
Miller, Calif.	Sarasin	Wydler
Miller, Ohio	Satterfield	Wylie
Mineta	Sawyer	Yates
Mitchell, Md.	Scheuer	Yatron
Mitchell, N.Y.	Schroeder	Young, Fla.
Moakley	Schulze	Young, Mo.
Moffett	Sebelius	Zablocki
Moore	Seiberling	Zeferetti
Moorhead, Calif.	Sharp	
	Shipley	

NOT VOTING—66

Alexander	Edwards, Ala.	Patten
Allen	Flippo	Pike
Applegate	Flood	Pressler
Baucus	Florio	Quie
Beilenson	Flowers	Rodino
Bevill	Flynt	Roybal
Bowen	Ford, Mich.	Runnels
Broyhill	Gibbons	Ryan
Buchanan	Hannaford	Santini
Burke, Calif.	Holland	Simon
Carney	Holt	Stokes
Cochran	Howard	Stump
Conyers	Jenrette	Teague
Cotter	Krueger	Tsongas
D'Amours	McCloskey	Tucker
Danielson	Minish	Waxman
Dellums	Mollohan	Weaver
Dent	Montgomery	Whitten
Dickinson	Murphy, N.Y.	Wilson, Bob
Diggs	Nichols	Wilson, C. H.
Dornan	Nix	Young, Alaska
Duncan, Oreg.	Oakar	Young, Tex.

The Clerk announced the following pairs:

Mr. Jenrette with Mr. Allen.
Mr. Cotter with Mr. Edwards of Alabama.
Mr. Alexander with Mr. Broyhill.
Mr. Baucus with Mr. Pressler.
Mr. Howard with Mr. Holland.
Mr. Minish with Mr. Dent.
Mr. Patten with Mr. McCloskey.
Mr. Bevill with Mr. Runnels.
Mr. Nichols with Mr. Buchanan.
Ms. Oakar with Mr. Stump.
Mr. Santini with Mr. Conyers.

Mr. Waxman with Mr. Dickinson.
Mr. Flynt with Mr. Teague.
Mr. Carney with Mr. Mollohan.
Mr. Danielson with Mr. Quie.
Mr. Bowen with Mr. Cochran of Mississippi.
Mr. Charles H. Wilson of California with Mr. Nix.
Mr. Ryan with Mr. Diggs.
Mr. Applegate with Mr. Bob Wilson.
Mrs. Burke of California with Mr. Young of Alaska.
Mr. Florio with Mr. Dornan.
Mr. Roybal with Mr. Tucker.
Mr. Simon with Mr. Whitten.
Mr. Stokes with Mr. Montgomery.
Mr. Tsongas with Mr. Bellenson.
Mr. Weaver with Mr. Dellums.
Mr. Krueger with Mr. Flowers.
Mr. Flippo with Mr. D'Amours.
Mr. Gibbons with Mr. Duncan of Oregon.
Mr. Hannaford with Mr. Ford of Michigan.
Mr. Pike with Mrs. Holt.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POLAR LIVING MARINE RESOURCES CONSERVATION ACT OF 1978

The SPEAKER pro tempore (Mr. MOAKLEY). The unfinished business is the question of suspending the rules and passing the bill H.R. 12668, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12668, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 268, nays 103, not voting 63, as follows:

[Roll No. 416]

YEAS—268

Addabbo	Cederberg	Foley
Akaka	Chappell	Ford, Mich.
Ambro	Chisholm	Ford, Tenn.
Ammerman	Clausen,	Forsythe
Anderson,	Don H.	Fountain
Calif.	Clay	Fowler
Anderson, Ill.	Cleveland	Fraser
Andrews, N.C.	Cohen	Frenzel
Andrews,	Coleman	Frey
N. Dak.	Collins, Ill.	Fuqua
Ashley	Conte	Garcia
Aspin	Corman	Gaydos
AuCoin	Cornell	Giaimo
Baldus	Cornwell	Gilman
Barnard	Coughlin	Ginn
Beard, R.I.	D'Amours	Gonzalez
Bedell	Daniel, Dan	Gradison
Bennett	Davis	Green
Biaggi	de la Garza	Gudger
Bingham	Delaney	Guyer
Blouin	Derwinski	Hagedorn
Boland	Dicks	Hammer-
Bolling	Dingell	schmidt
Bonior	Downey	Hanley
Bonker	Duncan, Tenn.	Harkin
Brademas	Early	Harrington
Breaux	Eckhardt	Harris
Breckinridge	Edgar	Harsha
Brinkley	Edwards, Calif.	Hawkins
Brodhead	Ellberg	Heckler
Brooks	Emery	Hefner
Broomfield	English	Heftel
Brown, Calif.	Erlenborn	Hightower
Brown, Mich.	Ertel	Hillis
Burgener	Evans, Colo.	Hollenbeck
Burke, Mass.	Evans, Del.	Holtzman
Burlison, Mo.	Fary	Horton
Burton, John	Fascell	Hubbard
Burton, Phillip	Fenwick	Hughes
Byron	Fish	Hyde
Carter	Fisher	Ireland
Cavanaugh	Flood	Jeffords
Johnson, Calif.	Moore	Sikes
Johnson, Colo.	Moorhead, Pa.	Sisk
Jones, N.C.	Moss	Slack
Jones, Tenn.	Murphy, Pa.	Smith, Iowa
Jordan	Murtha	Solarz
Kasten	Myers, Gary	Spellman
Kastenmeier	Myers, Michael	Spence
Kildee	Natcher	St Germain
Kindness	Neal	Staggers
Kostmayer	Nedzi	Stangeland
Krebs	Nolan	Stanton
LaFalce	Nowak	Stark
Lagomarsino	O'Brien	Steed
Le Fante	Oberstar	Steers
Leach	Obey	Steiger
Lederer	Panetta	Stockman
Leggett	Patterson	Stratton
Lehman	Pattison	Studds
Lent	Pepper	Thompson
Levitas	Perkins	Thornton
Lloyd, Calif.	Pettis	Traxler
Long, Md.	Pickle	Treen
Lujan	Preyer	Trible
McClory	Price	Udall
McCormack	Pritchard	Ullman
McFall	Quillen	Van Deerlin
McHugh	Rahall	Vander Jagt
McKay	Railsback	Vanik
McKinney	Rangel	Vento
Maguire	Regula	Walgren
Mahon	Reuss	Walsh
Mann	Rhodes	Wampler
Markey	Richmond	Weaver
Marriott	Rinaldo	Weiss
Martin	Risenhoover	Whalen
Mathis	Roe	White
Mattox	Rogers	Whitehurst
Meeds	Roncalio	Whitley
Metcalfe	Rooney	Wiggins
Meyner	Rose	Wilson, Tex.
Michel	Rosenthal	Wirth
Mikulski	Ruppe	Wolff
Milford	Russo	Wright
Miller, Calif.	Sarasin	Wylie
Mineta	Sawyer	Yatron
Mitchell, Md.	Scheuer	Young, Mo.
Mitchell, N.Y.	Schroeder	Zablocki
Moakley	Schulze	Zeferetti
Moffett	Shipley	

NAYS—103

Abdnor	Goldwater	Murphy, Ill.
Annunzio	Goodling	Myers, John
Archer	Gore	Ottinger
Armstrong	Grassley	Pease
Ashbrook	Hall	Poage
Badham	Hamilton	Pursell
Bafalis	Hansen	Quayle
Bauman	Holt	Roberts
Beard, Tenn.	Huckaby	Robinson
Benjamin	Ichord	Rostenkowski
Blanchard	Jacobs	Rousselot
Brown, Ohio	Jenkins	Rudd
Burke, Fla.	Jones, Okla.	Satterfield
Burleson, Tex.	Kazen	Sebelius
Butler	Kelly	Selberling
Caputo	Kemp	Sharp
Carr	Ketchum	Shuster
Clawson, Del	Keys	Skelton
Collins, Tex.	Latta	Skubitz
Conable	Livingston	Smith, Nebr.
Corcoran	Lloyd, Tenn.	Snyder
Crane	Lott	Symms
Cunningham	Luken	Taylor
Daniel, R. W.	Lundine	Thone
Derrick	McDade	Volkmer
Devine	McDonald	Waggonner
Dodd	McEwen	Walker
Drinan	Madigan	Watkins
Edwards, Okla.	Marks	Winn
Evans, Ga.	Marlenee	Wydler
Evans, Ind.	Mazzoli	Yates
Findley	Mikva	Young, Fla.
Fithian	Miller, Ohio	
Gammage	Moorhead,	
Gephardt	Calif.	
Glickman	Mottl	

NOT VOTING—63

Alexander	Conyers	Flynt
Allen	Cotter	Gibbons
Applegate	Danielson	Hannaford
Baucus	Dellums	Holland
Bellenson	Dent	Howard
Bevill	Dickinson	Jenrette
Boggs	Diggs	Krueger
Bowen	Dornan	Long, La.
Broyhill	Duncan, Oreg.	McCloskey
Buchanan	Edwards, Ala.	Minish
Burke, Calif.	Flippo	Mollohan
Carney	Florio	Montgomery
Cochran	Flowers	Murphy, N.Y.
Nichols	Roybal	Tsongas
Nix	Runnels	Tucker
Oakar	Ryan	Waxman
Patten	Santini	Whitten
Pike	Simon	Wilson, Bob
Pressler	Stokes	Wilson, C. H.
Quie	Stump	Young, Alaska
Rodino	Teague	Young, Tex.

The Clerk announced the following pairs:

Mr. Santini with Mr. Allen.
Mr. Howard with Mr. Murphy of New York.
Mr. Simon with Mr. Montgomery.
Mrs. Boggs with Ms. Oakar.
Mr. Bevill with Mr. Dornan.
Mr. Nichols with Mr. Quie.
Mr. Minish with Mr. Bowen.
Mr. Patten with Mr. Cochran of Mississippi.
Mr. Baucus with Mr. Pike.
Mr. Alexander with Mr. Holland.
Mr. Bellenson with Mr. Nix.
Mr. Flippo with Mr. Dent.
Mr. Florio with Mr. Broyhill.
Mr. Applegate with Mr. Krueger.
Mr. Hannaford with Mr. Edwards of Alabama.
Mr. Roybal with Mr. Duncan of Oregon.
Mr. Waxman with Mr. Gibbons.
Mr. Mollohan with Mr. McCloskey.
Mr. Flowers with Mr. Dellums.
Mr. Charles H. Wilson of California with Mr. Runnels.
Mr. Flynt with Mr. Buchanan.
Mr. Carney with Mr. Ryan.
Mr. Conyers with Mr. Stokes.
Mr. Cotter with Mr. Tsongas.
Mr. Danielson with Mr. Teague.
Mr. Doggs with Mr. Tucker.
Mr. Long of Louisiana with Mr. Stump.
Mr. Jenrette with Mr. Whitten.
Mrs. Burke of California with Mr. Bob Wilson.
Mr. Pressler with Mr. Young of Alaska.

Mr. SKUBITZ, Ms. KEYS, and Mr. SEIBERLING changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO HAVE UNTIL MIDNIGHT TO FILE REPORT

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Committee on Small Business may have until midnight tonight to file a report.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12930, APPROPRIATIONS FOR TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF PRESIDENT, AND INDEPENDENT AGENCIES

Mr. MURPHY of Illinois, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1271) on the resolution (H. Res. 1218) providing for consideration of the bill (H.R. 12930) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1979,

and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTELLIGENCE AUTHORIZATIONS

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1205 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

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

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1205 provides for an open rule with 1 hour of general debate on H.R. 12240, the Intelligence and Intelligence-Related Program Authorization Act for fiscal year 1979.

This bill authorizes appropriations for programs and activities of our national intelligence community as well as certain Department of Defense programs. The committee is prohibited from disclosing budgetary information on U.S. intelligence activities, pursuant to House Resolution 658. Thus, a classified annex to its report containing this information has been available to Members only for 3 legislative days.

This bill also authorizes $8,500,000 for fiscal year 1979 for the intelligence community staff and sets a personnel ceiling of 170. $43,500,000 is authorized for fiscal year 1979 for the Central Intelligence Agency retirement and disability system.

There is also a provision in the bill which requires that the Intelligence Committees of both Houses be notified whenever an alien is admitted into the United States against the advice of the FBI and the Attorney General.

Mr. Speaker, this bill was reported out unanimously by the Permanent Select Committee on Intelligence. It was then sequentially referred to the Committee on Armed Services which reported it out without amendment. The Committee on the Judiciary took no action on the bill but has no objection to the measure. I believe that all the committees worked hard and responsibly on this legislation and I urge adoption of House Resolution 1205 in order that H.R. 12240 might be considered.

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

Mr. Speaker, the distinguished gentleman from Illinois (Mr. MURPHY) has ably explained the provisions of the rule. Mr. Speaker, I would like to inform the Members that this measure, the authorizing appropriation measure for the Committee on Intelligence, was voted out of that committee without a dissenting vote. It was also voted out of the Committee on Armed Services without a dissenting vote. There are sensitive items contained in the measure and I see no need to go into details in the debate on the rule. I am sure that the measure will be fully debated when the bill is discussed in the Committee of the Whole.

Mr. Speaker, I urge the adoption of the rule.

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

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Speaker, I cannot vote for this rule nor for this authorization.

I do not know how many Members have read the classified annex to the report that was available to all of us, but I read it and, on that basis, will not vote for the rule and will not vote for the bill. It is not that I disagree with what the intelligence community is doing, I do not know what the intelligence community is doing because the annex to the report that was classified so highly that it is only available to us in the committee room, and is supposed to contain some sort of information, I suppose, contains absolutely nothing about what the intelligence community is doing.

The committee has given us the amount of money to be expended. Members can find that out, but no details whatever on how the money is to be spent. I think we are returning to the days when an elite few Members of Congress allegedly exercised oversight over the intelligence community—in those days specifically the CIA—but in reality those Members did not know the bare outlines of the CIA activities, or at least they did not admit to knowing those activities when they were ultimately disclosed, though the CIA said that they had always informed the Members of the House on the program and that inconsistency has never been cleared up and I doubt that it ever will be.

The report does not tell us anything about intelligence activities. There is no need for Members of Congress to know in detail the activities of the intelligence community, but I submit there is a need for us to have some idea about their programs. We can read about classified activity in the newspapers regularly. There is continuing selective declassification by the executive branch through leaks to various columnists. We have access through the press to the disputes within the administration about the reliability of the information, just for example, regarding the Cuban forces in Africa, but we have no access to it ourselves.

The committee has chosen not to tell other Members what they presumably know about intelligence activities. So then the responsibility is theirs, Mr. Speaker, for any repetition of the kind of depredations committed by the CIA and other intelligence community agencies in the past. But the responsibility is also ours if we allow intelligence activities to be unmonitored by Congress—not just a few elite Members—but Congress itself in the whole.

The committee has assumed a burden of responsibility not required, and one would think not wanted.

Members who vote for this bill without knowing—without having read the classified annex to the report—or those who have read the classified annex, who know what is not contained in there, will be voting to grant a blank check for the expenditure of a lot of money to those who, in the past, have not warranted that kind of trust.

I have come to the conclusion after several years around here, Mr. Speaker, that most Members of Congress rather incongruously, I believe, feel that elected officials are somehow not as patriotic or as trustworthy as appointed officials. There are hundreds of appointed officials in this city who have access to the classified information that Members of Congress do not have access to. Why we are willing to abdicate our responsibility this way I do not know, but the American people should not be misled into believing that Members of Congress have access to information that the public does not have. We have no information available to us about the intelligence activities of the Government—none whatsoever. Accordingly, I will not endorse or vote for giving unchecked and, as far as I know, unmonitored authority to appointed officials. The history of the past few years should teach us not to entrust appointed officials who are not directly responsible to the public with vast amounts of money and unchecked authority. Neither should we leave vital decisions to a handful of Members of Congress. We do not trust elected officials with even the bare outlines of the most critical activities our Government engages in. We would not vote to give a vast sum to the Department of Agriculture or HEW or HUD without the opportunity of knowing what the expenditures are for. I do not understand why we do not insist upon having adequate information in this field which is so subject to executive branch abuse.

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

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Colorado.

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

Mr. JOHNSON of Colorado. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank my colleague for yielding.

I can certainly understand the gentleman's concern. I would simply say all of us on the intelligence committee have that same concern. I think the gentleman will recall that under the rules there are times and places when Members of

Congress can make application and can ask the committee for specific information. I just wonder whether my colleague's concern has extended to making any requests to our committee for making information available to him? Also, has he read the classified documents that are available?

Mr. JOHNSON of Colorado. Yes. I went to read the annex, and, as far as I am concerned, after having had some exposure to intelligence activities as a member of the temporary Select Committee earlier, I felt that the information that was contained in the annex was absolutely useless. I might add that I also inquired earlier as to the possibility of attending some of the subcommittee hearings and was told by not a member of the committee, not a Member of Congress, but a staff person that the circumstances were such that it was almost impossible for me to gain access to this information. As I have read the rules since then, I think that was correct.

Mr. ASHBROOK. If my colleague would further yield, I think the rules are very clear, and if my colleague will make specific requests, the committee will take them under consideration. I do not think there is any effort to blank out the other Members of Congress in this vital field. There are areas where we specifically have a responsibility for maintaining secrecy—and I think the gentleman will agree we should discharge that responsibility. We do not accept this responsibility lightly and we are never completely certain how well we discharge this responsibility.

Mr. JOHNSON of Colorado. I understand that, but from the point of view of the other Members of Congress, we do not even know what to ask for.

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

Mr. JOHNSON of Colorado. I yield to the gentleman from New York.

Mr. WEISS. I appreciate the gentleman's yielding.

I simply want to commend the gentleman for the very high act of courage and patriotism that he is performing this afternoon. Last year when this measure, the measure to create the Select Committee, came before us, I voted against it exactly for the reasons now expressed by the gentleman.

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

Mr. MURPHY of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I appreciate the gentleman from Illinois yielding.

I think that for us to accept this kind of blank check either on the rule or on the measure itself is in fact to condone the worst excesses that the Congress and the country witnessed just a bare few years ago. If we do not want to return to the worst days of Watergate, it seems to me that now is the time to express our concerns by voting against the rule and against the authorization measure.

I yield back the remainder of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Speaker, the gentleman from Colorado knows my high regard for him. I know of his sincerity in the remarks the gentleman has made, but I am very surprised that he would take that view. The gentleman has indicated, as I understand it, that he has had access to the classified annex to the report which has the dollar figures and has the specific actions which the committee and the Congress is recommending.

Now, there are 93 pages in that report. That report is what will be made available to the agencies uptown that carry out the law. It is the information that will be made available to the appropriation committees as they act within their jurisdiction on this authorization.

Mr. Speaker, my Subcommittee on Program and Budget which initially drafted this bill had 55 hours of hearings. We had 3,000 pages of testimony. We submitted 700 questions to the agency to be answered for the RECORD in addition to that 55 hours of testimony.

The Select Committee on Intelligence has gone into greater detail with respect to our intelligence community than has ever been done before by a committee of the Congress.

I will have to admit that perhaps the language that the gentleman from Colorado finds in that 93 pages of annex may be complex and perhaps confusing; but I understand the gentleman to say the gentleman had the dollar figures. The gentleman knows how much we are spending in each category. Obviously, and admittedly, intelligence involves considerable complexity and expertise.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I want to commend the gentleman from Colorado for a well-thought-out statement, which I would urge everyone to not only read again, but to pay very careful attention to.

I do not find fault with the new Committee on Intelligence. I think they are doing a good job, and I commend the chairman and all the members of that committee for it; but I am terribly concerned by what the gentleman from Colorado points out in this whole area of legislating in the blind because of the arguments and the constraints of national security. While I think that the new Committee on Intelligence has done good work and is overseeing the intelligence community more than the intelligence community was supervised in the past, I still think there is too much secrecy involved in much of this area that this secrecy has no rational justification on national security grounds.

I think there is a tendency in this body to provide even more secrecy than the agencies themselves wish to have or need. I do not think we should legislate in the dark on intelligence matters, except in those very specific areas where there is an absolute need for secrecy.

I am privy to intelligence information through my work on the Defense Appropriation Subcommittee. I myself know there is a great deal of information which is classified as "secret" which I read about in the newspapers. I do not think it is healthy to have an overemphasis on secrecy. Certainly sources and methods and things of that type should be protected, but I do think there has been a tendency in this body to be oversecretive and to deprive and to deny to the American people information on what happens in their Government.

Mr. Speaker, we cannot condone that. I feel that we have not gone far enough in overseeing what the intelligence community is doing. In fact, I feel that many Members of Congress are under constraints to not know, because it is a safer feeling if one does not know and if one is not privy to the information. One cannot be charged with leaking, for example.

Mr. Speaker, I do not think this is the way in which we best serve the people of this Nation, and I commend the gentleman from Colorado (Mr. JOHNSON) for his excellent statement.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have here a legislative report from the DSG which makes a statement, and I wonder if some Member of the Select Committee on Intelligence might comment on it. It says that the administration opposes portions of this bill which differ from its requests—and here is the "zinger"—and the portions and the requests are both classified.

If a Member wanted to amend the bill to bring it into conformance with the requests of the administration, how would that Member know what to amend since both the requests and the portions are classified?

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. JOHN L. BURTON. I yield to the gentleman from Missouri. I would not want to hear any secrets, though.

Mr. BURLISON of Missouri. Mr. Speaker, let me say to my friend, the gentleman from California (Mr. JOHN L. BURTON), that the reason the administration differs with several parts of our classified report is that we have not served as a rubber stamp for the administration and we made many modifications. We made very substantial cuts in the recommendations of the President in this highly important field.

We have made some decreases; in a very few instances we have increased what the administration asked for. Overall, we have reduced substantially, by my definition of "substantial," the requests of the President. The actions of this committee can be changed by our counterpart in the other body and by the conference committee that will come later.

I do not know whether the gentleman is suggesting that we ought to have the whole report in here on the public record, including reports of our hearings, our debates, the executive justifications, and our committee markup. If that is what the gentleman is suggesting, I would submit to him that he is suggesting we have no intelligence network and no intelligence machinery for this Government.

Mr. JOHN L. BURTON. Mr. Speaker, the only thing I would say is that, if the portions and the requests are both classified, it would be difficult to amend. Could I offer a blank amendment, for instance, to restore the administration's portion of the bill?

I just happen to agree with the gentleman from Colorado (Mr. JOHNSON) that it makes it difficult to deal with this matter, and maybe we could just have the committee that has the information act on behalf of the House and pass the bill. It is a tough one for us to deal with. If we wanted to amend it, we would not even be able to know what to amend.

Mr. Speaker, I yield back the balance of my time, and I urge that we take a vote on this matter.

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

Mr. Speaker, when it comes to the security of this Nation, sensitive material is most important. I know it is true that they say what people do not know will hurt them, but there are things Members should be briefed on in a way to protect the national security of this country.

Since the Permanent Select Committee on Intelligence voted 8 to 0 for this measure and since the Committee on Armed Services approved it with no dissenting votes, then I think these committee members have considered it fully, hearing testimony day after day, and we should take their recommendation.

Since I have been in the House, I have seen the CIA and its image fade to almost nothingness, I have seen the FBI and its image fade, and I have seen the image of other intelligence operandi of this Government fade and fade.

I do not agree with many things that have been revealed as to the operations of these various agencies, but I do believe that the national security of this country is so important that we should conduct the debate as recommended by the two committees, realizing that if we want to go to the annex, we have available the information that is being objected to.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I think we can recognize that between the time that we established an intelligence organization in 1947 and about 3 or 4 years ago the Congress neglected its oversight role with respect to the subject of intelligence. But what has happened in the last couple of years, and especially since the establishment of this Permanent Select Committee on Intelligence, is that we have had effective congressional oversight, both by the committee of this body and the corresponding committee of the other body.

Mr. Speaker, I want to say that the representatives of the intelligence community have been completely open and forthright with our committee. They have not withheld any information which we required, insofar as I know. We have gone into great detail, as the gentleman from Missouri (Mr. BURLISON) has indicated. The detailed information which has been supplied with regard to the subject of funds that are to be expended for intelligence activities is such that it has consumed a great deal more time than those of us who volunteered to serve on this committee ever anticipated.

Mr. Speaker, I want to commend all of the members of the committee for the diligence which they have demonstrated in applying themselves to their jobs. I want to commend the intelligence communities for leveling with the committee, with regard to all of the essential information which it has been important for us to have.

Furthermore, I want to say that a great deal of damage has been done to our intelligence agencies, including damage that can be attributed to this body as well as the other body, with respect to our intelligence activities in recent years. Now, we are overcoming that; and it seems to me that we have the opportunity to strengthen the intelligence community and to support it through the kind of attention we are giving to it, the kind of oversight we are providing here. It is my sincere hope that we can continue those efforts.

There are some who feel that intelligence should be only an intelligence gathering function and that the information secured should be made public. But there are others who recognize the importance of secrecy and I am one of those, and we recognize the importance to our national security of strong and effective intelligence organizations. That is the position I am trying to uphold.

Mr. MURPHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I would like to mention that the gentleman from Colorado has made an important contribution to this debate today. I intend to vote for the rule, and I hope the House does so overwhelmingly. But I think it would be well to note, for the purposes of House debate, some of the information on page 2 of the committee report.

I would like to read at least one sentence, and I would commend the reading of that page to the Members, because it deals with this question of secrecy. It documents the fact that our committee has dealt with this question.

On page 2 is this:

> This committee finds compelling evidence to convince it that disclosure of budget information as to the intelligence and intelligence-related activities of the Government is not justified in the immediate future. However, this is a judgment that the committee will have to revisit from time to time to determine whether a reassessment of its position is required.

During the course of the hearings—and I serve on the committee—I specifically asked the question for the record: What does the term "in the immediate future" mean? I got on the record the fact that that is a year-to-year review by this committee of whether or not a budget total or some specific budget data will be made available to the general public.

I think that is an important distinction. Our committee is not unaware of the problem of secrecy and the difficulties in which our Nation found itself because of there being too much secrecy. But on the other hand, the examination has to be careful and structured and disciplined. That is the sort of examination our committee will give in the years ahead.

Mr. Speaker, this is one Member, to the extent that I continue to serve on the committee, who intends to make it a point each year to have this Intelligence Committee study carefully, and reach a fresh determination yearly, of whether or not intelligence budget data should be kept secret.

Mr. MURPHY of New York. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK).

PARLIAMENTARY INQUIRY

Mr. STARK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MIKVA). The gentleman will state it.

Mr. STARK. Mr. Speaker, is a motion for the House to go into executive session in order at any time?

The SPEAKER pro tempore. It is not in order in the Committee of the Whole, the Chair will inform the gentleman.

Mr. STARK. It is in order in the full House, is it?

The SPEAKER pro tempore. The Chair will read the rule. It reads as follows:

RULE XXIX

SECRET SESSION

> Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

The Chair will emphasize that the rule requires that a Member assert that he himself has a secret communication to make for his motion to be in order.

Mr. STARK. I thank the Speaker.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 48, not voting 64, as follows:

[Roll No. 417]

YEAS—322

Abdnor	Evans, Colo.	McDade
Addabbo	Evans, Del.	McDonald
Akaka	Evans, Ga.	McEwen
Ambro	Evans, Ind.	McFall
Ammerman	Fary	McKay
Anderson, Calif.	Fascell	McKinney
	Fenwick	Madigan
Anderson, Ill.	Findley	Mahon
Andrews, N.C.	Fish	Mann
Andrews, N. Dak.	Fisher	Markey
	Fithian	Marks
Annunzio	Flood	Marriott
Archer	Foley	Martin
Armstrong	Ford, Mich.	Mathis
Ashbrook	Forsythe	Mattox
Ashley	Fountain	Mazzoli
Aspin	Fowler	Meeds
AuCoin	Fraser	Metcalfe
Badham	Frenzel	Meyner
Bafalis	Frey	Michel
Baldus	Fuqua	Mikulski
Barnard	Gammage	Mikva
Bauman	Gaydos	Milford
Beard, R.I.	Gephardt	Miller, Ohio
Beard, Tenn.	Gilman	Mineta
Benjamin	Ginn	Mitchell, N.Y.
Bennett	Goldwater	Moakley
Biaggi	Goodling	Moore
Bingham	Gore	Moorhead, Calif.
Blanchard	Gradison	
Blouin	Grassley	Moorhead, Pa.
Boggs	Green	Mottl
Boland	Gudger	Murphy, Ill.
Bolling	Guyer	Murphy, Pa.
Bonker	Hagedorn	Murtha
Bowen	Hall	Myers, Gary
Brademas	Hamilton	Myers, John
Breaux	Hammer-schmidt	Myers, Michael
Breckinridge		Natcher
Brinkley	Hanley	Neal
Brooks	Hansen	Nedzi
Broomfield	Harkin	Nix
Brown, Calif.	Harris	Nowak
Brown, Mich.	Harsha	Oberstar
Brown, Ohio	Hawkins	O'Brien
Broyhill	Heckler	Patterson
Burgener	Hefner	Pattison
Burke, Fla.	Heftel	Pease
Burke, Mass.	Hightower	Pepper
Burleson, Tex.	Hillis	Perkins
Burlison, Mo.	Hollenbeck	Pettis
Butler	Holt	Pickle
Byron	Horton	Poage
Caputo	Huckaby	Preyer
Carter	Hughes	Price
Cederberg	Hyde	Pritchard
Chappell	Ichord	Quillen
Clausen, Don H.	Ireland	Rahall
	Jacobs	Railsback
Clawson, Del	Jenkins	Regula
Cleveland	Johnson, Calif.	Reuss
Cohen	Jones, N.C.	Rhodes
Coleman	Jones, Okla.	Rinaldo
Collins, Ill.	Jones, Tenn.	Risenhoover
Collins, Tex.	Jordan	Roberts
Conable	Kasten	Robinson
Conte	Kastenmeier	Roe
Corcoran	Kazen	Rogers
Corman	Kelly	Roncalio
Cornell	Kemp	Rooney
Cornwell	Ketchum	Rose
Crane	Keys	Rostenkowski
Cunningham	Kindness	Rousselot
D'Amours	LaFalce	Rudd
Daniel, R. W.	Lagomarsino	Ruppe
Davis	Latta	Russo
de la Garza	Leach	Sarasin
Delaney	Lederer	Satterfield
Derrick	Le Fante	Sawyer
Derwinski	Lehman	Schulze
Devine	Lent	Sebelius
Dicks	Levitas	Seiberling
Dingell	Livingston	Sharp
Dodd	Lloyd, Calif.	Shipley
Duncan, Tenn.	Lloyd, Tenn.	Shuster
Early	Long, La.	Sikes
Eckhardt	Long, Md.	Sisk
Edwards, Calif.	Lott	Skelton
Eilberg	Lujan	Skubitz
Emery	Luken	Slack
English	Lundine	Smith, Iowa
Erlenborn	McClory	Smith, Nebr.
Ertel	McCormack	Snyder
Solarz	Treen	Whitehurst
Spellman	Trible	Whitley
Spence	Udall	Wiggins
St Germain	Ullman	Wilson, Tex.
Staggers	Van Deerlin	Winn
Stangeland	Vander Jagt	Wirth
Stanton	Vanik	Wolff
Steed	Vento	Wright
Steers	Volkmer	Wydler
Steiger	Waggonner	Wylie
Stockman	Walgren	Yates
Symms	Walsh	Yatron
Taylor	Wampler	Young, Fla.
Thompson	Watkins	Young, Mo.
Thone	Whalen	Zablocki
Traxler	White	Zeferetti

NAYS—48

Bonior	Glickman	Nolan
Brodhead	Gonzalez	Obey
Burton, John	Harrington	Ottinger
Burton, Phillip	Holtzman	Panetta
Carr	Jeffords	Pursell
Cavanaugh	Johnson, Colo.	Quayle
Chisholm	Kildee	Rangel
Clay	Kostmayer	Richmond
Coughlin	Krebs	Rosenthal
Downey	McHugh	Scheuer
Drinan	Maguire	Schroeder
Edgar	Marlenee	Stark
Edwards, Okla.	Miller, Calif.	Studds
Ford, Tenn.	Mitchell, Md.	Walker
Garcia	Moffett	Weaver
Giaimo	Moss	Weiss

NOT VOTING—64

Alexander	Flippo	Quie
Allen	Florio	Rodino
Applegate	Flowers	Roybal
Baucus	Flynt	Runnels
Bedell	Gibbons	Ryan
Beilenson	Hannaford	Santini
Bevill	Holland	Simon
Buchanan	Howard	Stokes
Burke, Calif.	Hubbard	Stratton
Carney	Jenrette	Stump
Cochran	Krueger	Teague
Conyers	Leggett	Thornton
Cotter	McCloskey	Tsongas
Daniel, Dan	Minish	Tucker
Danielson	Mollohan	Waxman
Dellums	Montgomery	Whitten
Dent	Murphy, N.Y.	Wilson, Bob
Dickinson	Nichols	Wilson, C. H.
Diggs	Oakar	Young, Alaska
Dornan	Patten	Young, Tex.
Duncan, Oreg.	Pike	
Edwards, Ala.	Pressler	

The Clerk announced the following pairs:

Mr. Carney with Mr. Allen.
Mr. Santini with Mr. Montgomery.
Mr. Howard with Ms. Oakar.
Mr. Bevill with Mr. Dornan.
Mr. Nichols with Mr. Quie.
Mr. Minish with Mr. Bedell.
Mr. Patten with Mr. Cochran of Mississippi.
Mr. Cotter with Mr. Pike.
Mr. Baucus with Mr. Holland.
Mr. Alexander with Mr. Buchanan.
Mr. Charles H. Wilson of California with Mr. Dent.
Mr. Diggs with Mr. Krueger.
Mr. Waxman with Mr. Edwards of Alabama.
Mr. Hannaford with Mr. Duncan of Oregon.
Mr. Dellums with Mr. McCloskey.
Mr. Flowers with Mr. Runnels.
Mr. Flynt with Mr. Ryan.
Mr. Conyers with Mr. Stokes.
Mr. Florio with Mr. Tsongas.
Mr. Flippo with Mr. Teague.
Mr. Danielson with Mr. Tucker.
Mr. Jenrette with Mr. Whitten.
Mrs. Burke of California with Mr. Bob Wilson.
Mr. Murphy of New York with Mr. Young of Alaska.
Mr. Dan Daniel with Mr. Dickinson.
Mr. Beilenson with Mr. Gibbons.
Mr. Applegate with Mr. Hubbard.
Mr. Mollohan with Mr. Leggett.
Mr. Simon with Mr. Pressler.
Mr. Stratton with Mr. Stump.
Mr. Roybal with Mr. Thornton.

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 12240, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, the debate on the rule, of course, indicated that it is not all clear sailing for this committee. It will not be today, and it will not be in the years to come, and I guess perhaps it never will be. But that is predictable. We are dealing in a very, very sensitive area, and a lot of Members have their own feelings about the sensitivity of the information that we have developed in the Permanent Select Committee on Intelligence. Some of the opposition, of course, is predictable. It was not predictable, incidentally, from the gentleman fom Colorado (Mr. JOHNSON) for whom I have great respect and admiration. He is a valuable Member of this House. We do have a classified annex. This committee, of course, has to crawl before it starts to run, and this is our first effort at this particular mission. It is not a very easy mission, I would say to the Members of the Committee of the Whole House.

The Permanent Select Committee on Intelligence came into existence back in July of last year, and during August and most of September we engaged in structuring a staff for the committee. I think we have done that successfully. I might also point with pride, incidentally, to the amount of time that the members of the Budget Authorization Subcommittee have spent, not only on the fiscal year 1979 budget authorization but in reviewing the fiscal year 1978

budget. That entailed an incredible number of hours: Afternoons, evenings, sometimes Saturdays, and oftentimes visits to some of the intelligence facilities that are in the immediate area, or some of the intelligence facilities that are spread throughout the country.

H.R. 12240 does represent a milestone, in my judgment, and I think it ought to represent a milestone in the judgment of all the Members of the House of Representatives in the history of congressional oversight of intelligence activities. For the first time in its history—and there may be some disagreement with some of the procedures, and perhaps in the future, I might say to the gentleman from Colorado, we perhaps can iron them out—in any event, for the first time in the history of this body the House is considering a bill to authorize appropriations for the intelligence and intelligence-related activities of the U.S. Government. Furthermore, some features of this bill are unlike other authorization measures which have reached the floor of this House, and in particular, as we all know, the amounts and descriptions of the programs authorized by H.R. 12240 are not contained in the bill itself but rather in the classified annex to the committee's report. Objection has been voiced today to the classified annex. It is said that it does not tell us much information. It gives us some dollar figures, explains in a rather professional way, and perhaps not in too much detail, the way intelligence operations are conducted. The reason for it, of course, is that we have a responsibility, and I think the responsibility is particularly heavy upon this committee as it starts its work and as it reports to this House its first authorization bill and the first one in the history of the Congress itself to protect the secrecy of the information given to us. So we have provided for access to the classified annex by Members of the House of Representatives. We have staff who were sitting there who would advise Members about any programs on which questions might be asked of the staff, and I am sure that the staff would have given any Member relevant information that the committee itself is privy to had that Member asked. So I would say that as we start this particular budget authorization and as we bring it to the floor, for the first time in the history of the Congress we are doing it in a manner that ought to be satisfactory to the vast majority, the overwhelming number of the Members of this House. As I have indicated, there are some people who will never be satisfied with secrecy, never be satisfied with this kind of procedure and, of course, we expect that and it is predictable.

Mr. Chairman, may I just pay my respects to the members of the Budget Authorization Subcommittee.

As I think all of us know, at least those of us who served on the Committee on Appropriations, that the gentleman from Missouri (Mr. BURLISON), who chairs the Subcommittee on Budget Authorization, also serves on the Subcommittee on Appropriations dealing with intelligence and intelligence-related activities.

The ranking Republican member, the gentleman from Virginia (Mr. ROBINSON), who serves on the Budget Authorization Subcommittee of the Intelligence Committee, also serves on the Defense Subcommittee dealing with intelligence and intelligence-related activities of the intelligence community; so we have two members who have over the past years been reviewing appropriations, not authorizations, because in the final analysis in the bottom line is the line that will be brought out by the Committee on Appriations. We are very thankful of the fact that two of the members who served on this committee are members who served on the Committee on Appropriations and have dealt with these kinds of matters in the past.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. BOLAND. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I also congratulate the gentleman from California (Mr. MINETA), who serves on the Budget Authorization Subcommittee and, as I said before, both the gentleman from Missouri (Mr. BURLISON) and the gentleman from Virginia (Mr. ROBINSON).

The amount of time these three gentlemen have put into this particular bill has been, in my judgment, one that ought to be appreciated and applauded by the members of this committee and by the Members of the House of Representatives.

Generally speaking, the agreements that have been reached by other committees—and I will yield in a minute to the gentleman from Colorado as soon as I finish my statement—the agreements reached by this committee and other committees that have jurisdiction in intelligence-related matters have been satisfactory. They have been ironed out with the Committee on Armed Services chaired by the distinguished gentleman from Illinois (Mr. PRICE). I want to congratulate the chairman of the committee and the staff of that committee for the work they have done on intelligence-related activities which come within the purview and jurisdiction of the Committee on Armed Services.

I also want to congratulate the distinguished gentleman from Missouri (Mr. ICHORD), who is in charge of the Subcommittee on Research and Development of the Committee on the Armed Services for his cooperation on this bill.

I also want to express my appreciation to the Committee on the Judiciary for the cooperation that that committee has given to the Budget Authorization Subcommittee and to the Select Committee on Intelligence.

I want also to express my appreciation to the chairman of that full committee and to the staff of the Committee on the Judiciary. We have had some differences. I think we have ironed them out.

There will be an amendment offered to title IV of the bill today by the distinguished gentleman from Pennsylvania (Mr. EILBERG), which will clear up some ambiguities with respect to title IV and the committee will be delighted to adopt that amendment.

Mr. Chairman, H.R. 12240 represents a milestone in the history of congressional oversight of intelligence agencies.

For the first time in its history, the House is considering a bill to authorize appropriations for all the intelligence and intelligence-related activities of the U.S. Government.

Furthermore, some features of this bill are unlike other authorization measures which have reached the floor of the House.

In particular, the amounts and descriptions of the programs authorized by H.R. 12240 are not contained in the bill itself but rather in the classified annex to the committee's report.

This annex is incorporated by reference in the bill itself.

A similar procedure was used by the Senate Select Committee on Intelligence for its fiscal year 1978 authorization bill, when that legislation was considered by the Senate in June of 1977.

The Permanent Select Committee on Intelligence has adopted this same procedure in order to thereby protect the highly classified nature of the programs that the classified annex discusses.

Members of the House have been given an opportunity to view this annex and to assess the recommendations of the committee as to these programs.

I believe that the committee has made some wise decisions.

We have recommended a budget package which represents a slight decrease from the President's budget recommendations but which makes both additions and deletions in reaching that position.

Members will understand why I cannot discuss the further details of the intelligence and intelligence-related programs which are included in this bill.

However, I do wish to make a number of general remarks which should give Members a general context in which to evaluate our intelligence capabilities and activities.

To begin with, you will notice the H.R. 12240 authorizes appropriations for intelligence and intelligence-related activities of the CIA, the Department of Defense, the NSA, the FBI, and a number of other agencies.

Intelligence activities include what is commonly understood to be espionage—intelligence collection, counterintelligence, and covert action.

Such programs are also called national intelligence, because they are primarily employed to provide intelligence to national policymakers—like the President, the National Security Council, and the Joint Chiefs of Staff.

They are organized as the national foreign intelligence program, which is managed by the Director of Central Intelligence, Admiral Turner.

What then are intelligence-related activities?

Generally speaking, intelligence-related activities are those Department of Defense programs, particularly surveillance and reconnaisance activities, which are designed to support operational military commanders, but which

because of their close relationship to national intelligence programs, are collected into the category called intelligence-related activities.

This way of looking at these programs as a whole, was begun at the request of the Congress some years ago. It has resulted, I believe, in a better overall picture of what resources are directed at intelligence requirements, by all the agencies of our Government.

The intelligence-related programs, as I mentioned, are all Department of Defense activities and are managed by the Secretary of Defense.

Because the intelligence-related programs are defense programs by another name, the Permanent Select Committee shares jurisdiction over them with the Committee on Armed Services.

Accordingly, when H.R. 12240 was reported out by the Committee on Intelligence, it was sequentially referred to the Committee on Armed Services.

Because of the classified nature of the programs involved and because the two committees initially differed in their recommendations on some of the intelligence-related items, both committees met and reached agreement as to all the intelligence-related items.

That agreement is reflected in the classified annex to the report of the Committee on Intelligence.

The same agreement was adopted by the Committee on Armed Services by a vote of 34 to 0.

I want to acknowledge at this point the very cooperative spirit with which the Committee on Armed Services—members and staff alike—has approached the process of resolving our differences as to intelligence-related programs.

I particularly wish to recognize the efforts of the gentleman from Illinois (Mr. PRICE), the distinguished chairman of the committee, the gentleman from Missouri (Mr. ICHORD), the chairman of the Research and Development Subcommittee, and the gentleman from California (Mr. BOB WILSON), who is both the ranking minority member on the Committee on Armed Services and the Permanent Select Committee on Intelligence.

H.R. 12240 was also referred to the Committee on the Judiciary, which discharged it without taking any action.

There is a difference between the recommendations of the two committees on one budget item, that of the domestic intelligence and terrorism program of the FBI.

The Committee on the Judiciary has recommended an increase over the President's budget request for this item.

That program, however, appears as a line item in H.R. 12005, the Committee on the Judiciary's fiscal year 1979 authorization bill for the Department of Justice.

Accordingly, the Permanent Select Committee asked for and received sequential referral of H.R. 12005 which it amended to return the program level to that requested by the President.

This issue will be joined when H.R. 12005 comes to the floor of the House and need not be discussed during consideration of H.R. 12240.

I have already mentioned that H.R. 12240 recommends budget authorization levels somewhat below that requested by the President.

I want to describe to the House the approach that the committee took in reaching this recommendation.

To begin with, as Members will be aware, this committee was formed in late July of 1977.

It did not really begin to function until well into September, when the first staff began to come on board.

The Program and Budget Authorization Subcommittee, under the able leadership of the gentleman from Missouri (Mr. BILL BURLISON), began an immediate review of the present fiscal year 1978 intelligence and intelligence-related programs.

This process consumed some 32 hours of hearings and almost 500 questions for the record.

Consequently, before the President's fiscal year 1979 request ever reached the committee, it had already been well briefed about ongoing programs.

I might add at this point that even without these briefings, both BILL BURLISON and KEN ROBINSON, both of whom serve on the subcommittee, also serve on the Defense Appropriations Subcommittee, where they had previously been exposed to these programs.

Their dedication to the job—as well as that of NORM MINETA—was truly impressive.

The Subcommittee on Program and Budget Authorization Subcommittee held 55 hours of hearings and processed 700 questions for the record in looking at the fiscal year 1979 budget request.

Field trips and frequent staff seminars also added to the process.

The result—the report which the committee has produced—was adopted unanimously by the subcommittee and by the full committee as well.

It received this support from all of the members of the committee precisely because of the careful consideration and extremely thorough preparation that the subcommittee and its staff had done.

I am a member of the Budget Subcommittee, as I am of all subcommittees, and I really feel that its recommendations have been thoughtful, cautious and very supportive of the intelligence agencies.

That point brings me to this remark.

This committee, to a man, supports the need for and the professional character of our intelligence agencies.

It does so based on the very thorough look that we have given these agencies and their activities in the process of drafting H.R. 12240.

I believe the approach we have taken to reach our conclusions is worth noting as well, because I feel the House ought to know how this committee is performing the task which it has been given.

To begin with, we have moved cautiously in performing those oversight, legislative and budget authorization tasks which we have been given.

The committee spent the largest amount of its energies in 1977 interviewing and selecting from hundreds of applicants members of its staff.

I cannot emphasize too strongly how important I view this first big step.

A committee which must conduct many of its hearings and meetings in closed session can become no better than its staff in the long run.

Further, the committee wished to choose as thoroughly professional and nonpartisan a staff as possible.

We had many qualified applicants, but we chose only those individuals who were recommended to the committee, by our staff director and chief counsel, and about whom the committee members on both sides of the aisle could agree.

Members of the House will no doubt be aware of the fact that our companion committee in the Senate is most often mentioned in any news account of investigations into or about intelligence.

In some ways that is entirely fitting.

That committee has acquired an excellent reputation for evenhandedness and integrity in its approach to these matters.

It had the great advantage of acquiring many of the staff members of the Church committee which preceded it and the quality of that staff work shows through.

However, the Senate committee gets the limelight more often for another reason as well.

With its large staff—twice the size of our committee—it is able to investigate every book that is written or every article that mentions the CIA.

That is fine and it should be done.

The permanent select committee also pays attention to those matters.

But, by and large, such investigations usually stem from events that occurred years ago, in many cases before this committee was created, and before the executive branch reforms under Presidents Ford and Carter.

This committee is, quite frankly, less interested and oriented toward dragging out past abuses, than it is, in present operations and legislation for the future.

Thus the two principal legislative accomplishments of the committee to date have been this bill, H.R. 12240, and the committee's action on H.R. 7308, the Foreign Intelligence Surveillance Act which the committee ordered reported just last week.

In considering both these bills the committee has moved first to educate itself as thoroughly as possible before any deliberation.

We have then acted—not on the basis of past practice but on the basis of what we as a committee have evoked from our hearings, our questions and our debates.

H.R. 12240, the bill before the House today, was approved unanimously by the committee at all levels.

It has the full support of Members from both sides of the aisle.

I am proud of this fact as I am sure are all the members of the committee.

Mr. Chairman, let me describe briefly the organization of this bill.

Title I lists those agencies of the Government which perform intelligence and

intelligence-related activities and notes that the actual amounts to be authorized are those contained in the classified annex to the committee report.

The committee considered making public the bottom line figure for these programs and conducted a series of public hearings in January to explore this possibility.

In considering H.R. 12240 the committee also decided not to publish this budget figure at this time.

We took this step for a number of reasons, but mostly because we felt, that this figure alone would not greatly aid public appreciation of intelligence, while it might take us down the road to disclosure of other budget totals for individual agencies, where real damage to the national security could be done.

Further, the committee felt strongly, that its oversight activities, and the drafting of legislation like the electronic surveillance bill, or intelligence charters would serve to contribute much more to public understanding and accountability for intelligence agencies.

Accordingly, title I does not mention any budget figures.

Title II would authorize appropriations of $8.5 million and 170 personnel for the intelligence community staff.

This organization exists to assist the Director of Central Intelligence in his role as head of the intelligence community.

It assists him in—among other things—exercising his budget and coordination authority over agencies besides CIA.

It will soon take on a new task in assisting him to "task" or set collection priorities for all these agencies.

This new authority was created by Executive Order 12036 entitled "United States Intelligence Activities," and it has resulted in an amendment to the President's budget request which was received by the committee after it had reported out H.R. 12240.

Accordingly, the committee will have an amendment to offer to title II to reflect its action and recommendation on the request for more people and money to perform collection tasking for the Director of Central Intelligence.

Title III authorizes $43.5 million for the CIA retirement and disability system, which, although very much like the civil service retirement system, is a separate fund.

It was created to allow retirement benefits, at a slightly higher rate than civil service, for those CIA officers whose service overseas, or in other hazardous circumstances, makes their secondary employment upon retirement unlikely.

The $43.5 million goes toward the unfunded liability of the system.

The committee held several hearings on the CIARDS system, as it is called, in 1977 and is satisfied that it serves the purposes for which it was created.

Title IV creates a new statutory obligation of the Attorney General.

It says that whenever the Attorney General determines that an alien seeking admission to this country is an excludable alien—that is, he is an espionage agent, a member of a foreign Communist Party or has come to overthrow the Government of the United States.

If that alien is admitted to the United Sttaes, then the Attorney General must notify the Congress as to each such individual.

The purpose of this section is to document for the committee the extent of this problem.

The FBI has stated to the committee that 9 times out of 10, actual known spies and terrorists are admitted to this country over the objection of the Bureau.

Naturally enough, since the FBI has the counterintelligence mission in this country, its job is made doubly difficult by such admissions.

This section was adopted by the committee, to counterbalance other provisions of law, which require notification of the Congress whenever the State Department does not grant a visa to such individuals.

The committee simply felt that this provision would point up the other part of that story—that previously identified espionage agents are being admitted to this country over the objections of the FBI.

The committee wishes to document the extent of this problem for itself before it makes any recommendation.

Mr. Chairman, that completes a summary of H.R. 12240. The bill is a very significant step for this House to take.

I realize that the form that this legislation takes is unusual.

It breaks new ground.

However, in the interests of preserving those national secrets not daily exposed by the press, I would suggest that this is the best way, by which Members can know, for what it is they are voting, without making public all the details of our intelligence apparatus.

There is a need to maintain the secrecy of these programs which cannot be operated without that protection.

I believe the House wishes to continue this protection and I, therefore, urge the House to approve H.R. 12240 and the committee's amendment to Title II.

Mr. Chairman, I am happy to yield to the distinguished gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, I appreciate what the gentleman from Massachusetts is saying. Perhaps the gentleman and other Members misunderstood what I was saying. I was not attacking the work they had done in the annex, the classified annex that detailed the number of hours that the members of the committee had spent listening to the various intelligence community agencies.

My point was that the report left this Member, at least, totally in the dark with respect to what the intelligence community is doing. I know that we cannot go into it beyond that, because it is a classified document; but I think the gentleman will have to acknowledge that from that point of view of those who had the interest to go and read the report, there was not anything in it except a number of acronyms. There was no way we could know what was involved.

Mr. BOLAND. Mr. Chairman, let me say that I understand the gentleman from Colorado is not attacking the committee or the Members who served on it. That is something the gentleman would not do.

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

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

Mr. Chairman, let me say, this is the first effort of the committee. I would like to remind the gentleman from Colorado of that. Perhaps in one sense we are entitled to a bit of a dry run. The basis upon which we have structured the budget authorization bill is the one used in the Senate last year and passed unanimously by the Senate. The Senate does exactly what the House Permanent Select Committee on Intelligence did with respect to this bill. When the Senate passed its budget authorization last year, the Senate Committee on Intelligence provided a classified annex precisely as we did, available to all the Members of the Senate.

I think perhaps we have gone a bit further and we did provide the staff to answer any questions which might have been raised by any Member who was looking at the classified annex and had some difficulty really understanding some of the detail or not understanding some of it. As I have indicated, we hope to do an even better job in the future.

We certainly will be mindful of the admonitions that have been pointed up here by the gentleman from Colorado (Mr. JOHNSON) and other Members. I certainly appreciate the position of the gentleman from Colorado.

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

Mr. BOLAND. I am delighted to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman of the committee for yielding.

Let me ask, if any Member of the House were desirous of knowing what the total amount of money appropriated or authorized was for the intelligence agencies or for any one specific intelligence agency, would he be able to do so?

Mr. BOLAND. Yes; he would. The classified annex specifically details the amounts for particular programs that are contained within the intelligence community for intelligence and intelligence-related activities. We added up the amounts and came to a bottom line figure and listed figures for specific programs. Yes, that information is available.

Mr. GONZALEZ. That would be available to an ordinary Member of the House?

Mr. BOLAND. The gentleman is exactly right.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

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

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

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

Mr. GONZALEZ. Mr. Chairman, in this historic and pioneering effort where we formally go into authorization for the

first time, does the gentleman happen to know whether or not any of these agencies, whether it is the FBI or one of the military intelligence-gathering agencies, continue to keep dossiers of a political nature on Members of the Congress, as they have in the past and as I know they did in my case?

Mr. BOLAND. Mr. Chairman, I must say to the gentleman from Texas that I am not aware of that at all. We have no information to that effect.

Mr. GONZALEZ. Well, this has happened in the past. As a matter of fact, I had occasion to go into the matter over the period of a year or a year-and-a-half, and I finally did get a very nice letter from the present Director of the FBI. This had to do with the FBI, but I found out later that some of this information is cross-fed to other agencies such as the Military Intelligence Agency, and for all I know, this dossier may still be in existence. It was purely political.

Mr. Chairman, this was in the past. The present Director of the FBI says they are not about to continue to do it and will not go into that activity, but I just wondered if the gentleman had found out anything about that aspect of it.

Mr. BOLAND. No, I have not, but in reference to that let me say to the gentleman from Texas (Mr. GONZALEZ) that I think one of the prime missions and objectives of this particular committee is to be sure that the abuses of the past are not carried on in the future. I think that is one of the strengths of having a Permanent Select Committee on Intelligence in this body, just as it is a strength so far as the Senate is concerned at the present time.

I think the action of this committee this year, in its budget authorization and in the legislation which will set up the charters of the specific intelligence agencies, as well as the legislation dealing with electronic surveillance for foreign intelligence, will clearly indicate that the House did a wise thing in establishing this committee, and particularly so in making a real effort in its creation. I think it is a just move, one that will prohibit the abuses that occurred in the past.

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

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

Mr. Chairman, I join my colleagues in urging support of H.R. 12240. This bill represents an important milestone in that, for the first time, the House will be able to vote specifically to authorize appropriations for intelligence activities of the United States.

During the past several months, as a member of the select committee's Subcommittee on Program and Budget Authorization, I participated in an exhaustive examination of the intelligence needs of our Government and the programs and associated fiscal year 1979 resources requested by the President to meet these needs. H.R. 12240 is the culmination of this effort.

Mention has already been made of how many hours of hearings, how many pages of testimony, and volumes of justifications have gone into the preparation of this bill.

I firmly believe intelligence is indispensable not only as a strong force for peace but as an essential tool in war. The uncertain nature of the world today and the multitude of factors which affect the well-being of nations underscore this need for intelligence.

The purpose of the U.S. foreign intelligence effort is to provide policymakers the intelligence they need to make informed decisions. Given the global involvement of the United States, there is virtually nothing going on in the world which is not of some interest to policymakers. Much of the information they depend upon is readily obtained and requires no special intelligence collection effort. But other information must be the object of purposeful efforts to learn what is happening in the world and how that affects the interests of the United States.

Traditionally, Congress and the executive branch have focused on the military dimension of intelligence and, indeed, accurate and timely knowledge of a potential enemy's strengths, weaknesses, and intentions is essential in maintaining a balance of forces. This is especially critical in light of the many uncertainties that exist relative to U.S. equivalence in military power vis-a-vis the Soviet Union and the Warsaw Pact countries. Most of the intelligence programs and activities which would be authorized by H.R. 12240 fall into this category.

For those programs contained within the defense budget request to provide direct intelligence support to military operations—referred to in this bill as intelligence-related activities—we share jurisdiction with the Armed Services Committee. As previously stated during consideration of the Defense Appropriation Authorization Act, our committees worked together in an atmosphere of cooperation and understanding and reached complete accord on the fiscal year 1979 defense intelligence programs.

I might add that the Defense Subcommittee of Appropriations, of this House, is responsible for identifying such items, in the first place, and including them as a proper part of the intelligence budget in order that we can bring all of this under one umbrella.

Another area in which I believe intelligence collection is essential to the national security of the United States is in the monitoring of agreements. The progress which has been made in limiting strategic offensive forces, halting atmospheric tests of nuclear weapons, and creating nuclear-free zones would not have been possible without an intelligence capability to verify agreements. The committee examined in detail our current and programed capabilities to monitor agreements and funds are being recommended to continue and strengthen these capabilities.

Finally, H.R. 12240 would authorize appropriations for other less traditional intelligence programs for which the committee is convinced a need exists. The long-term implications of the production and distribution of food, energy resources, narcotics traffic, international terrorism, and the trade in conventional weapons are some examples.

Concurrent with the committee's detailed examination of the resource requirements of each of the major intelligence programs was an item by item review of all intelligence activities, especially covert activities. We have continued to place special emphasis of insuring the implementation of safeguards of the legal rights of our citizens, restrictions on the means which may be employed, strict procedures for review of sensitive operations, and strengthened oversight mechanisms. For all proposed intelligence programs we first looked at risk and relevance to U.S. policy and then at cost.

The administration requested a substantial increase for fiscal year 1979 over the amount Congress appropriated for intelligence activities in fiscal year 1978. I fully support our committee's recommendation not to publicly disclose the amounts of these requested funds in the interest of national security and will, therefore, not discuss specific committee actions. However, I would like to assure my colleagues that Permanent Select Committee on Intelligenec has vigorously pursued its intelligence community oversight responsibilities as set forth in House Resolution 658 and that the President's request for intelligence funding for fiscal year 1979 was examined with care and deliberation.

I believe the committee's recommendation represents a nearly optimum reconciliation of finance prudence with high priority intelligence needs.

While the committee generally supported the level of effort requested by the President, we were not persuaded that all of the specific programs were fully warranted and a net reduction is recommended. The committee's recommendations would delete or defer certain programs and in other cases increase program funding.

Overall, I am convinced that H.R. 12240 supports a program that will effectively meet our near-term intelligence needs as well as providing for the investment needed to sustain the intelligence capabilities and technologies essential to our national security and foreign policy in the future.

Let us just mention, briefly, the organization of the bill.

Title I of the bill deals with intelligence and intelligence-related activities. This is the area covered in the classified annex, and no budget figure is published, as was mentioned by the chairman, the gentleman from Massachusetts (Mr. BOLAND), and has been mentioned during the discussion of the rule.

Title II is the budget for the intelligence community staff. It authorizes $8.5 million and 170 personnel. It is the result of an Executive order which asked for the reorganization of the intelligence community.

We are going to have a committee amendment on this subject at a later point in the consideration of the bill.

Title III has to do with the CIA retirement fund, a retirement fund very similar to the Civil Service retirement fund, but separately created, and one that must

be funded. This bill authorizes the $43.5 million necessary to support that program.

Title IV is a new statutory obligation. If the bill is passed in its original form, it requires that the Attorney General notify the Congress if the State Department allows the entry of any undesirable aliens as determined to be undesirable by them.

Mr. Chairman, I understand that there will be an amendment that will be offered to slightly expand and to restrict, in terms of its application as to time, this title as well.

Mr. Chairman and members of the committee, developing this bill while serving as a member of the subcommittee and the only minority member of the subcommittee which developed it has been a very interesting and a challenging task. It is a very stimulating experience, I can tell the Members, to be a part of any sort of congressional first, and this is a congressional first in every way.

Mr. Chairman, I want to pay compliments first to the gentleman from Massachusetts (Mr. BOLAND), the chairman, for his even-handed, very fair treatment of the controversial areas and issues and because of his very, very fair treatment and his unfailing courtesy to those of us on the minority side. I also want to express the same accolades to the gentleman from Missouri (Mr. BURLISON), as chairman of the subcommittee, who was always prompt, courteous, and thoughtful in that if I could not be there as the only minority member on that subcommittee, the subcommittee simply did not meet.

Mr. Chairman, I also want to pay my respects to the staff of this new committee. We put together, as the chairman, the gentleman from Massachusetts (Mr. BOLAND), mentioned, a good staff since last October. In my view, they have done a superb job as a first effort in the legislative field, granting that they were dealing with something that was entirely new as far as the total Congress is concerned. They had the additional challenge of having to develop a classified annex to which much reference has been made here and which in itself was a new effort.

Mr. Chairman, I believe it might be interesting to note that after the notification to the full House that Members had available this opportunity to see that classified annex, out of 435 Members, and considering the fact that the members of Committee on Armed Services, had access to most of the details, only eight Members of the Congress went up there to familiarize themselves with the details of this bill. Nevertheless, it was there.

I want to express what I know is a deep regret on the part of our senior member on the minority side, the gentleman from California (Mr. BOB WILSON), who is unable to be here today because of activities which we all recognize that are going on in California.

In closing, Mr. Chairman, this is a good bill, drafted in the best short- and long-term interests of protecting the national security of this country and our citizenry.

I support the bill and urge its passage, Mr. Chairman.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PRICE), the chairman of the Committee on Armed Services.

Mr. PRICE. Mr. Chairman, this is the first year that the Permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the Members will recall from the provisions of House Resolution 658 which established the select committee, the Armed Services Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard to intelligence-related activities for the Department of Defense, and I am most pleased to report on the excellent working relationship with, and cooperation of the select committee chairman, Mr. BOLAND, members and staff in arriving at complete agreement on all items of joint responsibility.

Such a result was particularly important, since it establishes an excellent foundation for our joint work in the years ahead.

As part 2 of the report states, the results of our recommendations are classified and are included in the classified annex to the report on H.R. 12240 prepared by the select committee.

For the information of the Members, the overall funds jointly authorized fall in budget category 050 and are in the Armed Services Committee authorization figures contained in H.R. 10929 which passed the House on Mav 24, 1978.

Representing the Armed Services Committee, I strongly support H.R. 12240 and urge my colleagues' support of the bill.

Mr. BOLAND. Mr. Chairman, I want to express my appreciation to the chairman of the Committee on Armed Services, the gentleman from Illinois (Mr. PRICE), for his remarks.

Mr. Chairman, I am pleased to yield 5 minutes to the distinguished chairman of the Budget Authorization Subcommittee, the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, first let me express my appreciation to Chairman BOLAND, the chairman of the full Committee on Intelligence, for the extraordinary patience and extraordinary amount of time that he devoted to our Subcommittee on Program and Budget. I want to say the same for the gentleman from Virginia (Mr. ROBINSON), who is the ranking Republican member on our subcommittee.

I also want to take a few minutes to express my deep and sincere personal appreciation to the outstanding staff that we have. I refer to the staff director of our subcommittee, Jim Bush, and to those who assist him, Marty Foga, Annette Smiley, Dwayne Andrews—and we should not forget about the help from the full committee staff, Tom Latimer and Mike O'Neal.

Mr. Chairman, this bill, H.R. 12240, provides for the first time a specific authorization for intelligence and intelligence-related activities. It authorizes those activities which make up what we call the national foreign intelligence program which provides intelligence of a very broad nature for the senior level of Government, particularly the President, the Cabinet, and the Joint Chiefs of Staff. These activities are conducted by several departments and agencies but are coordinated and tasked by the Director of Central Intelligence who is also responsible for budget preparation. Further, this bill authorizes intelligence-related activities of the Department of Defense which are programs that are integral to the defense force structure but which are similar to national intelligence programs and are often tasked for national intelligence purposes, particularly in peacetime. The similarity of program and functions between the national intelligence programs and the intelligence-related activities of the Defense Department is the reason that both are considered by the Select Committee on Intelligence and authorized in this bill. We have worked to assure that the program areas are complementary and mutually supportive but not duplicative. (Reason for highlighting IRA) the referral of this bill to the Committee on Armed Services has assured that the judgments we have made from an intelligence viewpoint are equally sound from a military perspective. Some adjustments were necessary to achieve this balance and these are fully incorporated in the bill and report before the House today.

Mr. Chairman, most intelligence activities are classified and necessarily so. In some cases, even the very existence of the program or activity is held secret. This sensitivity limits the description we can offer here on the floor. But I want to assure you that the committee has not been inhibited in its study of these programs and activities. In view of the security protection assured by House Resolution 658, our committee charter, the secure facilities with which the committee has been provided and a fully cleared staff, the administration has been very open regarding these programs. The committee took 55 hours or 3,000 pages of testimony, reviewed over 1,800 pages of justification material and received responses to 700 questions posed by the committee for the RECORD. Similar for 178. This is mentioned only to demonstrate that our review was extensive.

Our conclusions have been generally positive. We have found our intelligence capabilities impressive and generally well managed. The common view of intelligence as cloak and dagger activities is correct in only small measure. Much information is collected by technical devices and from open sources. Many of the expenditures are for translating, processing, and distributing information; for administrative expenses and, most important, for analysis, which is the process whereby information is converted into intelligence.

Several important changes are ongoing. The distinction between national intelligence and military intelligence is becoming less distinct to the advantages of both in terms of performance and of cost; intelligence is gaining wider distribution to people throughout the Government who have need of it; and diverse intelligence activities are being better coordinated by the Director of Central In-

telligence as a result of presidential direction in Executive Order 12036 which was signed in January.

This bill authorizes less than the administration requested but still permits real growth over last year. Further, in its actions on the fiscal year 1979 budget request, the committee has recommended deferral of certain proposals and the deletion of others. Some items were increased. However, the overall impact of the recommendation is a reduction in the request. In the committee's view, our recommended authorization represents a reasonable balance between needed capabilities and prudent cost. I urge passage of the bill.

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

Mr. BURLISON of Missouri. I yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman. Mr. Chairman, I think it is a sign of real progress that we have a bill before us dealing with this subject, but I think it is still somewhat of an anomaly that the major item in the bill is classified and, therefore, the Members on the floor are going to be voting on an authorization bill which is blank. Moreover, since the amount to be inserted is classified, the Members cannot discuss it with each other even if they know the figure, since we are not in a closed session.

I am wondering why at least the global figure for all of the 10 different agencies cannot be put in here so that the Members will have some idea what they are voting for and authorizing.

Mr. BURLISON of Missouri. Let me say to the gentleman, the Committee on Intelligence this year held 3 days of hearings on this specific issue of whether there should be a disclosure of the bottom line, or any part of the intelligence budget. After these 3 days of hearings, in which we heard testimony from the administration and from witnesses on both sides of the issue in the private sector, plus our review of the debate in 1975 when an amendment to disclose was offered to the defense appropriations bill which covers the intelligence agencies—after review of all of that and all of the testimony and the debate over on the Senate side, it was the unanimous consensus of our committee, that it was not in the best interest of the country to disclose the amount of money that we spend on intelligence.

Mr. SEIBERLING. It is fine to learn of the consensus, but can the gentleman tell us why that was the consensus?

Mr. BURLISON of Missouri. The reason for that is that if the enemy knows what our programs are and what we are spending for them it virtually destroys our intelligence program. We could not have an intelligence program with public disclosure of all of the programs and all of the figures involved.

Mr. SEIBERLING. I can understand that with regard to the individual programs but certainly the total amount we are spending on intelligence does not tell them very much.

Mr. BURLISON of Missouri. The gentleman makes a good point. I think the rationale for not disclosing the bottom figure is that, in the first instance, it would not tell anybody anything.

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

Mr. BOLAND. I yield 1 additional minute to the gentleman from Missouri.

Mr. BURLISON of Missouri. What would the figure mean if you did not know what the programs were? Intelligence and intelligence-related programs are a broad area, a broad field. If you had the figure you would have to know what some of those intelligence and intelligence-related programs were, and where the division was between intelligence and military operations.

The second rationale is that if the bottom line were disclosed then the next step would be to find out more about the bottom line, what went into that bottom line and there would be a discussion, or there would be a requirement for disclosing various programs and the various figures for all the programs in the intelligence community. To coin a cliché, disclosure of the bottom line would be letting the foot in the door.

Mr. SEIBERLING. It does seem to me the total would tell us how it fits into our other budget priorities.

Mr. ROBINSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. ASHBROOK) a member of the committee.

Mr. ASHBROOK. Mr. Chairman, I thank my friend, the gentleman from Virginia (Mr. ROBINSON) for yielding me this time.

I am most pleased to join the chairman of the Permanent Select Committee on Intelligence and the ranking minority member on this side in my support of H.R. 12240.

First of all, Mr. Chairman, I would like to commend the Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL). I note that gentleman is on the floor, and I thank the Speaker for choosing his colleague, the gentleman from Massachusetts (Mr. BOLAND) as the chairman of our committee. I think we all knew in going into this committee work that we would be involved in a difficult area. I repeat, I believe the Speaker acted properly and with wisdom, in picking Chairman BOLAND. I believe in doing so he did an excellent thing for the intelligence community and I believe he did an excellent thing for all the various constituencies we have in this House, conservative, liberal, pro and con, national defense and internal security. Chairman BOLAND has been very fair. I know that the committee operates in a very fair manner. I know there is general feeling of satisfaction among the membership of the committee regarding his leadership.

I know that the committee has been referred to a couple of times as an elite group. I certainly do not have that feeling or the feeling that there is some sort of a monolithic view. There are always diverse points of view. I know because I am one of those diverse points of view. There are many things that have to be reconciled; we do not agree necessarily on everything. I think that all of the views and opinions that members have, one way or another, are expressed in the committee. The fact that we all agree today in no way should tell the membership of this body that there is a single monolithic view regarding the intelligence community and the responsibility Congress has in participating with the executive in this important area.

As I say, we have many disagreements. None of them have been bitter, none of them have been with rancor. There are some areas, quite frankly, where I wish we had large appropriations and there are some where I think we should have more positions in the intelligence community. But I can say as one member representing one of those diverse points of view, that I am very well satisfied with what this committee has done in the first few months. Again I say, I think, having been privileged to work with Chairman BOLAND and on the majority side a fine group of individuals to serve, and I think the ranking member, the gentleman from California (Mr. BOB WILSON) and the rest of us have enjoyed working with this committee.

I recall when going in some of us thought it was going to be partisan because it was set up on the basis of 2-to-1 plus 1. The Senate select committee was not set up on this basis. While I in no way rolled over on that one, I still think the number should have been closer. I can only say as one member of the minority that I have been very pleased with the work of this committee. I have been very pleased with the cooperation of the intelligence community. As a matter of fact, I would honestly say I sit there sometimes and wonder why the intelligence community tells everything they do.

I want to know and yet sometimes I think there are areas that it would be better if only the President of the United States and Admiral Turner would know what goes on, because the chance of two people leaking is not nearly as much a threat when it comes to vital secrets as in sharing these secrets with 13 Members of this body. The more it is shared, the further it goes down the line, the greater chance there is of breaking security. This is one way of saying as a Member on this side I am very pleased with what the committee has done up to now. I give my unqualified support to H.R. 12240 and hope that the rest of the committee does, too.

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

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

Mr. SEIBERLING. I thank the gentleman for yielding.

It is kind of ironic that we are reduced to talking about what a great job the members of the committee have done—which I am sure is true—but it is not very enlightening since we are not allowed to talk about the substance of what they did. While that arises from the nature of this particular subject, maybe that indicates that we ought to go into a closed session and talk about the merits of the bill.

Mr. ASHBROOK. I certainly cannot object or in any way criticize or in any way indicate that I would have anything other than agreement with my colleague

from my State, if I were in his same position, if I were not a member of the committee. We are dealing with an anomaly; there is no question about it. The security of our country and national defense, national security are things that have been used before to cover up all sorts of abuses. I know one can stand there and wonder if they are still being covered up. I guess we have to take just one step at a time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON. I yield 1 additional minute to the gentleman from Ohio.

Mr. ASHBROOK. The only point I can make is that we are 13 Members better off than we were a year ago. I realize the gentleman is not one of the 13 so that is not going to satisfy him. Maybe after it goes along there will be more sharing. That is one of the continuing responsibilities of this committee. Frankly, we have not gotten to it yet. One of the continuing responsibilities is to look honestly at the whole intelligence field as to what really has to be secret and what can be opened up and shared. I know that is one of the things we have discussed and, frankly, we have not had time to get that yet.

Mr. SEIBERLING. If the gentleman will yield, I would hope that in the next year's committee's deliberations they might take up the question of somehow figuring out a way to bring the rest of the Members into the deliberations. I am sure the committee has done an outstanding job, but it would be more in keeping with our traditions and our responsibilities if we all ended up having an opportunity to review and debate the merits of the legislation.

Mr. ASHBROOK. If I could answer my colleague, if he listened to our colleague, the gentleman from Kentucky (Mr. MAZZOLI) I assure him there is one advocate on our committee of moving in that direction. Again, we are not in a monolithic mold. It is a part of our continuing responsibility. I think as the years go by, more and more will be opened up but, frankly, as a first effort I think we have done very well.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON. Mr. Chairman, I have no more requests for time, and I reserve the remainder of my time.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. MINETA) a member of the Budget Authorization Subcommittee.

Mr. MINETA. Mr. Chairman, first of all, I would like to commend our full committee chairman, the gentleman from Massachusetts (Mr. BOLAND), the chairman of the Program and Budget Authorization Subcommittee, the gentleman from Missouri (Mr. BURLISON), the gentleman from Virginia (Mr. ROBINSON), and the staff for the great time and effort put into the work of this committee.

Mr. Chairman, I rise to add my support to H.R. 12240. As a member of the Subcommittee on the Program and Budget Authorization, I participated in many hours of hearings and committee meetings of which our chairman has spoken. I can attest that our examination of U.S. intelligence activities was extensive and I believe in the end was productive.

Our effort was not taken from a perspective of either pro-intelligence or anti-intelligence. We sought to understand each program and to recommend an authorization level based on the merits of each. This process has resulted in many cuts and a few additions to the administration's request, with the net effect being a reduction. These adjustments are related to strengths or weakness of the individual programs affected. Our classified report will provide the administration with a detailed discussion of the committee's findings, both positive and negative.

A great deal of work was devoted to the substance of the intelligence programs and their budgets; but, in addition, our work also carries out a fair portion of the oversight responsibilities of the total committee. Many intelligence activities are a balance between propriety and necessity, between secrecy and the demands of an open society, between risk and benefit. These aspects will never be easy to balance, but we have been conscientiously attentive to these issues and I know that this committee will continue to be.

There has been a great deal of discussion about whether or not the bottom line dollar figure should be disclosed as far as how much is being spent within the intelligence community. Now, let me read from the committee report where it says:

> The committee concluded that disclosure of any such amount of funds would inevitably lead to pressures for the disclosure of additional levels of detail regarding the budgets and activities of our intelligence agencies.

The issue at hand is, if you disclose the bottom line figure, then the pressure is there to come up with the subtotals and therein lies the problem, because increases or decreases in the intelligence budget may make major program changes evident.

The overriding difficulty is that most intelligence activities depend on secrecy as to their very existence in order to be successful. This is in contrast to defense, where we usually acknowledge freely the existence of programs, but hold secret their details.

In intelligence the existence must be secret and if lost, the detail is often moot.

Although the committee has recommended against disclosure it clearly recognizes that the question must be continuously pursued and reconsidered regularly, perhaps annually. The House may be assured that this committee knows and understands the intelligence budget in great detail and is prepared to explain any part of it to any Member.

So, therefore, Mr. Chairman, I urge passage of this bill.

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

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

Mr. NEAL. Mr. Chairman, I was concerned by the earlier remarks of the gentleman from Colorado, because I share the concerns he expressed.

Several years ago, in 1975 I believe, when we had the large debate on the intelligence budget and its use, the budget was made available to all Members and I availed myself of the opportunity to study it. Frankly, I did not feel that I came away an expert, but felt that it was healthy that all of us had access to that budget.

Now I have a few specific questions that I would like to ask my colleague. Do you have in the classified annex, as described in the committee report, detailed budgets for intelligence activities for each part of the world, and are these available to Members?

The CHAIRMAN. The time of the gentleman from California (Mr. MINETA) has expired.

All time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. ROBINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. NEAL. Mr. Chairman, if the gentleman will yield further, let me see if I can capsulize my request for information. I am really interested in knowing whether or not the information available to the members of the subcommittee is also available to all Members of this House?

And I would like to know if the information the subcommittee has includes how all the intelligence agencies spend their money in each country in the world. I wonder if the gentleman and the subcommittee have details of all intelligence expenditures, and if they know for what purpose the money is expended.

Mr. MINETA. First of all, Mr. Chairman, I would like to thank my colleague, the gentleman from Virgiia (Mr. ROBINSON), for yielding this additional time to me.

Mr. Chairman, there are two major aspects of the intelligence field. One is the intelligence field itself, and the other is the intelligence-related activities. Those programs that are in both the intelligence field and the intelligence-related activities are outlined in the report in detail.

A Member in an earlier colloquy referred to acronyms and whether or not one would know what they meant. The programs are detailed in terms of how much they cost, what they are, what they do, and it is presented in detail and it is available.

Our subcommittee went into these matters about various programs very extensively because we were concerned about some of the redundancies relating to these kinds of issues. There was a great deal of detail that we went into over a long period of time during these hearings.

Mr. NEAL. Mr. Chairman, if the gentleman will yield further, is that detail available to all Members of the House?

Mr. MINETA. Those hearings and those details are available to the Members.

I am convinced, after having gone through these matters, that the information is complete. We went through the issues like a matrix; we covered them

really from all different directions, because we wanted to get a thorough understanding of these various programs.

Mr. NEAL. Mr. Chairman, this is a healthy approach. If Members of the House have full access to knowledge about the amounts of money spent by our various intelligence agencies and how that money is spent, and we avail ourselves of this opportunity, we can properly exercise our very important oversight responsibilities. We can assume that we have the intelligence we need for our national security and at the same time assure that the intelligence community does not engage in activities which are not in our national interests. I thank the gentleman and commend him and the committee for their work.

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

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

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

I commend the gentleman from California (Mr. MINETA) and my colleague, the gentleman from Massachusetts (Mr. BOLAND), for the work they have done.

I am one of the eight Members of the House who spent a great number of hours on the classified documents. I wish I could support more enthusiastically the end result. I do commend every Member involved in this effort for the work they have done.

Mr. Chairman, today for the first time the Congress has the opportunity to consider the authorization of funds for intelligence activities on an informed basis. This is clearly a step forward in the continuing effort to provide substantive overview of our Nation's intelligence programs. Unfortunately, it does not alter or remedy the absence of accountability to the American people, who remain totally in the dark as to how much of their money is being spent on intelligence and how it is spent. In addition, the procedure which we implement for the first time today does not affect Executive Order 12036, by which the President has authorized the Central Intelligence Agency to conduct covert operations, to engage in surveillance of American citizens, to open mail surreptitiously, and, in general, to perpetuate the abuses which have been revealed in recent years.

There is no convincing reason for continued refusal to disclose the budget of the intelligence agencies. Our own intelligence experts have for years been able to estimate with reasonable certainty the amount of money spent by the Soviet Union on intelligence; surely the KBG can make similar estimates of aggregate American expenditures on intelligence. It is the American people who are not permitted to know how much of their own money is being used for intelligence. The Pike Committee recommended that the intelligence agencies' expenditures be made public. By failing to follow that recommendation, we deprive the people of their right to know what their Government is doing, and at what cost.

By persisting in our refusal to reveal, even in general terms, the activities undertaken in the name of intelligence for "national security purposes," we fail in our responsibility to prevent recurrences of past intelligence abuses. Despite this vote today, the shroud of secrecy still surrounds the CIA and other agencies which engage in intelligence activities. Despite highly touted reforms, the CIA remains essentially unaccountable to the American people, and we have done nothing to halt the clandestine activities, at home as well as abroad, which generated so much criticism and outrage on the part of the American people in the very recent past.

Mr. Chairman, the constraints upon those of us who carefully studied the intelligence authorizations prevent me from discussing precise intelligence activities; in fact, they prevent any discussion at all. There is no justification for this "gag rule" which prevents the people from learning even the broad outlines of the actions being carried out in their name. It is my fervent hope that we will, in the near future, take the very simple step of disclosing the intelligence agencies' budgets. It is also my hope that we will permit discussion of and votes upon the kinds of activities in which these agencies can engage. Until such time, I believe it is incumbent upon us to vote against the authorization of funds for intelligence purposes.

We have before us today the semblance, but not the reality of genuine legislative oversight of intelligence programs. We have not even the semblance of an effort to end covert operations abroad and invasions of privacy at home. We must end the insulation of the CIA and other intelligence agencies from the scrutiny of the public. Only then can we act in a truly informed manner in the consideration of funds for such programs. I will continue to oppose authorizations which are cloaked in secrecy and kept hidden from the American people. Approval of this bill will only lead to the perpetuation of the abuses which spring inevitably from secrecy.

Mr. ROBINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I thank the chairman of my committee for his help, and I thank the gentleman from Virginia (Mr. ROBINSON) for yielding me this time.

Mr. Chairman, I am proud to be a member of the House Intelligence Committee and to be associated with the distinguished gentleman from Massachusetts (Mr. BOLAND) our chairman.

Let me, too commend the distinguished gentleman from Missouri (Mr. BURLISON) for his outstanding work in guiding this fiscal year 1979 authorization to the floor.

I support the work my committee did on H.R. 12240. However, I have reservations about our committee's decision—a decision in which I joined—not to disclose budget figures for the Nation's intelligence activities for fiscal year 1979.

As will be noted from a reading of the report accompanying H.R. 12240, the committee shares some of these same reservations. It intends that the decision not to reveal the total intelligence budget and supporting data will be re-examined each budget year.

Implicit in this re-examination is the possibility—even the probability—that some kind of intelligence-budget disclosure will be made in the future.

There are compelling arguments for disclosure which I hope to see our committee, the Congress and the public fully debate them in the years ahead.

For purposes of discussion, I would like to place some of these arguments before my colleagues this year.

One argument made is that disclosure of the intelligence budget is little different than disclosure of our National Defense Budget.

As we know, the defense budget is disclosed not just in aggregate figures, but item-by-item and function-by-function as well. And, the budget is subjected to vigorous public debate.

Many other nations, of course, do not disclose either their national defense budgets or their intelligence budgets.

Yet, I believe that our policy of public disclosure and debate strengthens rather than weakens our national security. The same strengthening process could well occur if the Nation's intelligence budget is subject to the same kind of disclosure and vigorous debate.

These debates help to form a national concensus for various defense policies. Similarly an enlightened public debate on the costs and effectiveness or our National Intelligence Programs could help form a National Consensus in support of intelligence policies.

Another argument made for publicizing intelligence-budget figures is that taxpayers deserves a detailed explanation of the cost-effectiveness of the billions of dollars that our intelligence agencies spend annually.

To allow these substantial funds to move through the budget process each year without scrutiny and without public debate could be considered at best, bad economics, and, at worst, an ostrich-like attitude many feel has far too long characterized congressional oversight of intelligence activities.

This attitude can be expressed as follows:

> Do what you think needs to be done, but don't tell us about it. Then if something goes wrong Congress can't be blamed.

The formation of the Intelligence Committees in both House and Senate was the first step in renouncing this unfortunate attitude. Budget disclosure could well be one of the next logical steps in this corrective and constructive process.

A third consideration is that article I, section 9, clause 7 of the Constitution requires that:

> A regular statement and account of the receipts and expenditures of all public money shall be published from time to time by the Congress.

This requirement is simple and direct on its face even though constitutional scholars may read various exemptions and qualifications into this language.

In any event, article I, section 9, clause 7 could require disclosure of the intelligence budget and should be discussed in that connection.

Another consideration is that the Pike committee, the Church committee, and the Rockefeller Commission all recom-

mended some form of budget disclosure for the intelligence agencies. These committees studied this question at length, and their serious study deserves careful consideration as we continue our deliberations in the years head.

Mr. Chairman, the Intelligence Committee, under the estimable leadership of Mr. BOLAND, will fully debate this subject during the fiscal year 1980 budget process. If the committee decides to disclose total—or even the specific—intelligence figures this House can be sure that the decision will not have been reached casually or without making the Nation's security, defense, and intelligence needs the committee's main concerns.

● Mr. BOB WILSON. Mr. Chairman, I am most pleased to join the chairman of the Permanent Select Committee on Intelligence in adding my support to H.R. 12240. As previously mentioned by Chairman BOLAND, this bill is intended to authorize appropriations necessary to intelligence and intelligence-related activities of those agencies and departments listed in title I.

The intelligence-related activities consist of a number of Department of Defense programs which provide intelligence to military operational commanders. Because of the nature of these activities, the Permanent Select Committee on Intelligence shares jurisdiction with the Committee on Armed Services. As a member of both committees I can attest that the committees worked in an atmosphere of cooperation and understanding and reached complete agreement on all matters that were jointly considered.

At the time our committee considered title II authorizing the intelligence community staff the sum of $8,500,000 and an end strength of 170 full-time employees the administration was preparing a request to adjust the end strength and dollar amounts for the intelligence community staff. Mr. BOLAND will address that action shortly with an amendment to title II and again I ask your favorable support.

Finally, with respect to title IV dealing with admission of certain excludable aliens, our committee, in consideration of the large number of excludable aliens who are now being admitted to this country over the objections of the intelligence community, strongly believes that it is in our interest to be kept fully informed of such admissions.

Overall, this bill before you would authorize appropriations for all U.S. intelligence activities for fiscal year 1979 and although a slight net reduction from the request is recommended, I firmly believe it provides sufficient resources to maintain an intelligence capability second to none.

In conclusion, Mr. Chairman, I would like to mention that for the last 25 years I have been a member of a subcommittee of armed services that exercised oversight responsibilities of the intelligence community and in all those years our knowledge of intelligence community activities was limited when compared to that which we have in the Select Committee on Intelligence. The House Permanent Select Committee now has the qualifications in its members and staff and the requisite information to carry out the responsibilities given to it by the Congress in H.R. 658.

Accordingly I urge House passage of H.R. 12240 as recommended by the committee.●

● Mr. WEISS. Mr. Chairman, this is indeed a historic occasion. For the first time, the House is being asked to vote on a bill which we know nothing about. The possibilities are staggering. If we carry the premise of this debate to its logical conclusion, I can envision the day when debate will be unnecessary. A small group of Members need merely come to the floor with a bill number, provide us with no significant details concerning the content or impact of the bill, and we can vote and then move on to the next phantom piece of legislation.

And that is what H.R. 12240 (the intelligence authorization for fiscal year 1979) is, a phantom bill. We are being asked to authorize an unknown amount of money for unknown reasons to an intelligence program which we know nothing about. This, my distinguished colleagues, is a used car dealer's dream.

I will admit, however, that it is difficult to give specific reasons why I am against this authorization. I suppose this is the genius of this legislation. If no information is given, nothing can be criticized.

If it were not for all the intelligence agency abuses that have come to light during the past few years, I might be amused by H.R. 12240. Instead I am appalled. What discourages me most is not that the CIA, the Defense Department, the National Security Agency, the FBI and the other agencies affected by this authorization want us to give them money without telling us what it is for. This cloak-and-dagger thinking is to be expected from our intelligence agencies. No; what disturbs me most is that we in the House—who have been entrusted with protecting the American people from threats to their rights and civil liberties—blindly and blandly accept this kind of thinking.

What makes it so intolerable is the condescending assumptions that underlie it. On one hand, we are told that this authorization is in the country's national interest, only to be patted on the head and told, in effect, that this information is too important and too confidential to be entrusted to us.

When the legislation creating the Select Committee on Intelligence was introduced last July, I wondered aloud whether it created two classes of Members of Congress: one class that was privy to intelligence information and another class which was not. I thought then, as I do now, that I have a right to know as much as any other Member of Congress. My objections were dismissed.

Today, we see the consequences of this decision. I am not sure, I am sorry to say, why this legislation was even brought to the floor for a vote. Perhaps that will be the next step. Why waste time debating something which is based on information with which—in the eyes of the Select Committee—most of us cannot be entrusted?

In its report on this bill, the Select Committee concludes that disclosure of information could lead to additional pressures for more detailed information regarding U.S. intelligence activities. I agree. But this is not bad. Have we forgotten that our intelligence agencies have tapped phones, opened mail, broken into files, collected dossiers and broken the law in other ways for the express purpose of harassing people for exercising their constitutional rights? With this in mind, I think Congress not only has a right but an obligation to ask for more detailed information regarding U.S. intelligence activities.

I will vote against H.R. 12240, and I urge my fellow Members who believe in protecting and preserving the rights of the American people to join me.●

Mr. ROBINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence and Intelligence-Related Program Authorization Act for Fiscal Year 1979".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1979 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, the Department of the Air Force, and the Marine Corps.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(b) A classified annex to the report prepared by the Permanent Select Committee on Intelligence of the House of Representatives to accompany this Act shall be deemed to reflect the final action of the Congress with respect to the authorization of funds for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, including specific amounts for activities specified in subsection (a). Copies of such annex shall be made available to the Committees on Appropriations of the House of Representatives and the Senate and to the appropriate elements of the United States Government for which funds are authorized by this Act under subsection (a).

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is prohibited by the Constitution and laws of the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1979 the sum of $8,500,000 to provide the support necessary to permit the Director of Central Intelligence to fulfill his responsibility for directing the substantive functions and managing the resources for intelligence activities.

(b) For fiscal year 1979 the Intelligence Community Staff is authorized an end

strength ceiling of one hundred and seventy full-time employees. Such personnel may be permanent employees or employees on detail from other elements of the United States Government so long as they are properly counted within the ceiling and there is a mix of positions to allow appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) Except as provided in subsection (b) and until otherwise provided by law, the activities of the Intelligence Community Staff shall be governed by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability System for the fiscal year 1979 the sum of $43,500,000.

TITLE IV—ADMISSION OF CERTAIN EXCLUDABLE ALIENS

SEC. 401. Whenever the Attorney General notifies the Secretary of State that he knows or has reason to believe that an alien applying for admission into the United States is an excludable alien under the terms of section 212(a)(27), (28), or (29) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)) and that alien is subsequently admitted into the United States, the Attorney General shall, within thirty days, notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such admission.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. BOLAND

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

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 3, line 15, strike out "$8,500,000" and insert in lieu thereof "$12,400,000".

Page 3, beginning on line 20, strike out "one hundred and seventy" and insert in lieu thereof "two hundred and forty-one".

Page 4, line 3, after the period insert the following new sentence: "Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a non-reimbursable basis for a period of not more than one year for performance of temporary functions as required by the Director of Central Intelligence."

Mr. BOLAND. Mr. Chairman, this amendment would add $3.9 million and 71 positions to the levels authorized in title II of the bill, which is the title which provides for the intelligence community staff.

When the Director of Central Intelligence appeared before the Subcommittee on Budget Authorization, the request was heard by the distinguished gentleman from Missouri (Mr. BURLISON).

Mr. ROBINSON. Mr. Chairman, I rise in support of the amendment.

As our subcommittee chairman, the gentleman from Missouri (Mr. BURLISON), has stated, this amendment was requested by the President subsequent to our consideration of H.R. 12240. The request was made to provide additional resources to assist Admiral Turner, Director of the Central Intelligence Agency, in discharging his responsibilities under the recent Presidential Executive order on U.S. intelligence activities.

Now, while we are not recommending authorization of the full amount requested, I believe that the resources that would be authorized by this amendment are sufficient to implement the changes in intelligence management directed by the President. The select committee will then be able to assess the impact of these changes and, if necessary, adjust the authorized personnel ceiling in fiscal year 1980.

I urge that my colleagues support this amendment.

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

Mr. Chairman, I would like to raise with the chairman of the subcommittee, or the ranking minority member, the question of just why these additional spaces should be required. It appears to me that we are accessories in a process of empire building. Admiral Turner has been designated as the head of the intelligence community, so he is collecting a staff. Now, this request comes in, even before that staff has been authorized, to increase it by another 70 individuals.

This is the same officer who, when he came in to take over the Central Intelligence Agency, fired almost indiscriminately—if the stories in the paper are to be believed—some several hundred qualified, highly capable intelligence officers, many of them in the operations area; people who had risked their lives, or jeopardized their health in order to qualify for the special retirement program for which $43 million is being authorized in this bill.

It does not make sense to me that Admiral Turner should be allowed to discharge all these capable people at will, and then go out and hire 70 others for something else. If we are going to fire qualified people, at least they could be transferred to the new staff, could they not?

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. There are really two rationales, if I understand the gentleman's question correctly. First, the DCI has an additional responsibility, the budget preparation for an area in which he had not previously had responsibility.

Mr. STRATTON. And 170 people are not enough to prepare the budget?

Mr. BURLISON of Missouri. Second, as a result of the still additional responsibilities placed upon the DCI by the Executive Order 12036, requiring him to set up a national tasking center, whereby the DCI will task intelligence collection for the entire intelligence and intelligence-related communities.

Mr. STRATTON. I do not want the gentleman to take all of my time. The Director of the Central Intelligence Agency already has a very substantial staff available to him as Director of the Central Intelligence Agency. Now, on top of this, he is adding another group. The question the gentleman from Missouri has not answered is, why should the admiral fire 200 or 300 capable people, career people, dedicated people, many of them highly respected in the community, and then come back and ask for permission to add 70 others? If he needs 70 more, why does he not take them out of the quotas that he fired?

Mr. BURLISON of Missouri. Well, I would respond to the gentleman by saying that I am not privy to which individuals were fired or what their individual capabilities or qualifications were, but I would submit that perhaps, if the gentleman would continue to yield, perhaps the 100 or 200 or so who were ultimately released were not the members which the DCI considered necessary and capable to fit into these additional responsibilities.

Mr. STRATTON. I think what the Congress needs, before we contribute to what to me appears to be a case of empire building, is some kind of rationale for the basis of these past firings. This matter was discussed at great length in the press. I have a number of friends who have been members of the CIA and devoted employees, and they tell me that the organization was rocked from top to bottom as a result of these firings and that morale over there is at a very low level.

I just do not think we ought to allow that kind of thing to go on and at the same time to encourage empire building elsewhere.

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

Mr. STRATTON. I yield to the gentleman from Virginia.

Mr. ROBINSON. Mr. Chairman, I thank my friend, the gentleman from New York, for yielding, because I raised the same question when Admiral Turner came before our subcommittee with respect to this question of empire building and laying on another layer of bureaucracy. But in all fairness, we have to say 50 of these 71 positions are requested by him to be transferred from the CIA to the intelligence community staff and that they are not just being brought in from no place. They are being transferred from CIA to the intelligence community staff, and the rest of them are coming from the DOD.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

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

Mr. STRATTON. Mr. Chairman, I would say in response to the gentleman's comment, this still does not answer my concern, whether he transfers them from one agency to another. It seems to me that this is empire building in one area

at the same time there is indiscriminate firing in the place where we really need expertise, and that is in intelligence collecting, to tell us what is going on today in Africa and Afghanistan and elsewhere.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, in response to the gentleman's second concern, as to the people requested, our members on the committee shared that same concern. That is why we gave the Director of Central Intelligence, the DCI, only 50 of the additional bodies he requested, and we denied an additional 62. So we had a concern that the gentleman shares. But after our review of the additional responsibilities, we agreed on a part of the administration request.

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

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

There was no objection.

Mr. BOLAND. Mr. Chairman, let me say in response to the gentleman from New York—and I want to compliment him on his position with respect not alone to our national defense and our national security but also for his longtime interest in the intelligence community—that I am not sure that the action by the DCI, the Director of Central Intelligence, with respect to riffing a number of those who have been longtime employees of the intelligence community was not justified. It is difficult for me, of course, as it was for the chairman of the Subcommittee on Budget Authorization, to decide on that.

At the same time, I think some 400 of them have been retired or have left, and perhaps another 300-some-odd will be riffed in the months ahead. I do not think anybody can disagree with the President of the United States or those who have been familiar with the intelligence community that there was a necessity for the reorganization of the U.S. intelligence activities, and that of course was implemented by the Executive order which President Carter signed in January. I think everybody would agree with that. I think it was high time, in the face of some of the things that have gone on in the past, that there ought be a closer look at intelligence activities and what particular people were doing within the boundaries of those activities. I am sure the gentleman from New York would agree with that, too. I do not think he would have any objection to that.

The problem is that when we get a new Director of any agency, a new Secretary of any of the departments, or a new Administrator in one of the administrations, oftentimes he will look for his own team.

That is not to say that everybody ought to be sacked and that those who are occupying some of the lower level positions ought to be dismissed. But the fact of the matter is that if you are going to have an effective intelligence community you ought to have personnel, at least within that community and on your staff, that believe in some of the reorganization plans that will be put into effect, not alone by the DCI but also under the direction of the President of the United States. I am sure the gentleman from New York would also not disagree with that.

I am not sure that all those who were riffed were those who were absolutely essential to the operations of the CIA or any of the intelligence community. I do not think the gentleman from New York would disagree with that. I think he would understand that, too.

So that there was some grave concern on the part of the subcommittee, as has been mentioned by the gentleman from Missouri (Mr. BURLISON) and the gentleman from Virginia (Mr. ROBINSON) with reference to the reorganization of the intelligence community. The gentleman from New York knows quite well the problems that the DCI—the Director of Central Intelligence—had, not just within the Central Intelligence Agency but also within the administration itself and with the Secretary of Defense, Secretary Brown. The gentleman is familiar with that. And there was an accommodation made and the Secretary of Defense does have jurisdiction over those particular intelligence activities that lend themselves to command and operational activities or commands in the field and, as a result, the Secretary of Defense is really the boss in that area.

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

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

Mr. STRATTON. Mr. Chairman, let me say to the gentleman from Massachusetts (Mr. BOLAND) that I recognize that this committee just came into existence earlier in this Congress and they have not had a chance to look these matters over perhaps in detail or to familiarize themselves with all of them; but I hope, in line with what the chairman has just indicated, that they would be on guard against the Director trying to build up a big staff and put the emphasis instead particularly on the people who will be collecting the intelligence. I think the last thing we want in an intelligence community is a lot of staff people drawing up prospectuses and developing budgets; rather we should have more people out actually collecting the information. So I hope the thrust of the committee in the future will be in that direction.

Mr. BOLAND. That is precisely what the Budget Committee is looking at and has looked at and that is precisely the feeling of the Director of Central Intelligence Admiral Turner, in establishing an intelligence community staff that can get an overall look at intelligence activities and specifically the collection of intelligence.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. BOLAND. Mr. Chairman, one of the areas in which we have grave concern is duplication and overlapping in tasking, particularly within the intelligence community. And in the reorganization that the DCI has requested, and for which he has asked for additional funds and additional personnel, a number of the directors and a number of the personnel will be relegated to the new National Intelligence Tasking Center which I think will eliminate some of the problems he now has in coordinating intelligence tasking, thereby providing the intelligence agencies with specific intelligence that is essential to commanders in the field, that is essential to the DCI and also that is essential to the President, Secretary of Defense and other national policymakers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEISS

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

The Clerk read as follows:

Amendment offered by Mr. WEISS: Strike title IV in its entirety.

Mr. WEISS. Mr. Chairman, unless this section is deleted, the committee will find that they will be taking the first step backward toward the creation of a Committee on Internal Security in the House of Representatives.

I think that if you look at what the mandate of this committee is, as a Select Committee on Intelligence Activities, it is hard to find justification for the provision to have reported back to them the admission into the United States of excludable aliens. What has really happened, if you read the report, is that apparently the Federal Bureau of Investigation seems to be unhappy at some of the determinations that the Attorney General makes in relation to determining who in fact is an excludable alien.

There is no question but that under sections 27 and 29 if the Attorney General makes the determination that in fact an alien is to be excluded, that is it. Nobody can disturb that judgment. So the question really is who should make that determination, the FBI or the Attorney General? And if there is disagreement between the FBI and the Attorney General, why should the Select Committee on Intelligence get into the middle of that? It is my understanding that currently there is a reporting requirement back to the Committee on the Judiciary. That is where it ought to be allowed to rest.

I should also say, finally, that it is my understanding that the Department of State is opposed to this particular provision. I feel that not only is the committee being used by the FBI but probably this entire Congress is about to be used by the FBI. I think that we ought to make very clear that that is not the role of the committee. I do not think they want it. They are probably doing it as an accommodation, without knowing how serious the step is that they are undertaking.

I seriously urge the committee to adopt the amendment.

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

Mr. BURLISON of Missouri. Mr. Chairman, I rise in opposition to the amendment and in support of title IV of H.R. 12240.

The FBI has expressed its concerns to the House Permanent Select Committee on Intelligence regarding the Bureau's inability to sustain visa denials through State Department for certain aliens who are excludable under the Immigration and Nationality Act, particularly those who may pose a threat of espionage. The Bureau does not, as a matter of policy, request exclusion of all identified or suspected intelligence officers. The committee's findings indicate, however, of those visa denial requests made by the FBI, 87 percent were admitted contrary to the Bureau's desires in 1976; 99 percent were admitted in 1977; and all denial requests have been admitted thus far in 1978.

The purpose of the legislation is twofold: First, it will insure that Congress is aware of visa-related decisions which have a bearing upon the magnitude and direction of the foreign counterintelligence program within the United States. Second, it will highlight congressional interest in the foreign counterintelligence aspect of visa denial actions.

The legislation does not place Congress within the decisionmaking sequence regarding visa denials. It does, however, alert Congress to the number and frequency of those instances which the FBI believes will increase the national foreign counterintelligence burden. These data are necessary if the Congress, and in particular the House Permanent Select Committee on Intelligence, is to exercise its intelligence oversight responsibilities.

It is recognized that many factors must be considered in making such an important decision as that to deny a visa. Among these considerations are the foreign policy implications of such denials, the need to protect our intelligence operations overseas, and—of utmost importance—the consideration of basic human rights. However, foreign counterintelligence considerations must also be weighed in the decisionmaking process.

I am particularly concerned that the effect of the McGovern amendment has been to tip the balances in favor of not implementing FBI requests for visa denials. While I support the intent of the McGovern amendment, I strongly believe that it should not be a crutch for decisionmakers. If the application of the McGovern amendment is resulting in the rubberstamping of all visa requests in order to eliminate the need to report to Congress, then we must be made aware and take appropriate action. Title IV has been proposed in order to assure Congress is informed.

Accordingly, I urge my colleagues in the House to give this measure favorable consideration.

Now, basically for these two reasons, Mr. Chairman, we strongly feel that this is a wise piece of legislation and should be left in this bill.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, the gentleman is an expert in many of the areas that relate to national security, but I am sure the gentleman did not want to mislead the House when he said that excludable aliens were being admitted to the United States, contrary to the findings of the Department of Justice.

The gentleman is certainly aware, or I assume the gentleman is aware, of the provisions of sections 27, 28, and 29, of the Immigration and Nationality Act referred to in the bill. The gentleman knows that once the Attorney General finds an alien falls within sections 27 and 29, the alien must be excluded from the United States. There is no possibility in which an alien can come to the United States if the Attorney General has found him excludable.

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

(At the request of Ms. HOLTZMAN, and by unanimous consent, Mr. BURLISON of Missouri was allowed to proceed for 2 additional minutes.)

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, there is no possibility that an alien could be admitted contrary to the findings of the Department of Justice and the Attorney General.

Second, with respect to section 28, the alien is similarly absolutely excluded, unless the Attorney General specifically waives the law and allows this person to enter; so I do not understand how in any circumstance in which the Attorney General is opposed to the entry of an alien, that person could come into this country.

Therefore, I will come back to the point the gentleman from New York (Mr. WEISS) raised. Since the determination of admissibility is placed by law in the hands of the Attorney General, why is it we are now in this legislation permitting an end run around the Attorney General by the FBI? Presumably, if the FBI finds the person falls within the category of sections 27 and 29 and is unable to persuade the Attorney General of these facts, there is no case to make. I cannot believe any Attorney General would want spies, saboteurs, or terrorists to enter the United States. Why then are we allowing the Congress to get into a dispute between the FBI and the Attorney General? I wish the gentleman would clarify that.

Mr. BURLISON of Missouri. Mr. Chairman, let me say to the gentlewoman that in the last fiscal year, 87 percent of the excludable aliens whom the FBI recommended against admission were subsequently admitted to the country. Last year it was 99 percent. This year it is 100 percent, so we are not making an end run and we are not going into the decisionmaking process. We are simply saying that in those instances when the recommendation of the Federal Bureau of Investigation is against the admission of an excludable alien, subsequently admitted, that the appropriate congressional committee be advised of that fact.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield further?

Mr. BURLISON of Missouri. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I hope the gentleman would, however, agree with me that if the Attorney General finds that these people are excludable and finds their entry objectionable under the law, they cannot come into this country.

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

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

Mr. Chairman, this is an area in which I have had more than passing interest and it is rather interesting to see the debate almost completely turned around.

First, I would start from the position of saying the McGovern amendment of last year was a mistake. That is not the issue here.

Obviously, my colleague from New York approves of that; but let us take a look at what has happened in actual fact.

My colleague from New York was right regarding sections 27 and 29; however, the State Department in their letter to the chairman of our committee indicates very clearly that waivers under section 28 by the Department of Justice for temporary visitors are almost mandated by the McGovern amendment.

> Such waivers are recommended by the Department of State when it is determined that to do so would be in our national interest.

Let us look at what has in fact actually happened. First, let me make this point: If I say that somebody should not come into this country, probably someone would say, "That is all right. We know what his point of view is, and he would not want somebody coming in who is of the far left." But let me give the Members an example of what has happened as it relates to one of our colleagues on the other side. As a matter of fact, I saw him a few minutes ago, and I refer to the man who is now the mayor of New York City, Mr. Koch.

Mr. Koch engaged in a lengthy communication with the State Department over a long period of time, and it appears in the RECORD of March 1, 1976, at pages 1415 through 1418. The bound volume with those remarks is at the desk. This was regarding the admission of Hugo Blanco.

Mr. Koch, who was then a Congressman, wrote the following letter to the Secretary of State, in which he said:

> I am writing with regard to Mr. Hugo Blanco, a Peruvian who I understand has encountered difficulty in obtaining a visa to enter this country because of his outspoken political beliefs. Though I have no personal knowledge of this case, I believe that, with the exception of terrorists who publicly advocate murder in pursuit of their goals, those who want to have a free discussion of ideas should not be impeded in coming to this country for that purpose. I would, there-

fore, urge you to allow Mr. Blanco to enter the United States without further delay.

What happened? The State Department provided information. Mr. Koch then had to reverse his position because he was given the information as to why Mr. Blanco was excluded. All this relates to sections 27, 28, and 29, the sections about which our colleagues from New York are concerned.

This is the letter Mr. Koch received from the Secretary of State. First they indicate that much of the information is classified and not a part of the public record just as is the case in our committee. They cannot go into details, but the letter goes on to say:

A part of the public record, however, is his declaration that he

And that is Mr. Blanco—

took full and sole responsibility for the murders of three policemen which occurred during a raid he and his followers made on a police station in Peru during 1962.

It goes on to say that:

The public record contains further information about his affiliation with the Fourth International and other groups, as well as quotations from his writings in which he has advocated the use of violence.

Here is a man who, on his own record and on a record that is approved by Mr. Koch in subsequent letters that he sent along to people who had been writing him protesting the fact that he could not come into this country, admitted the murders of three policemen and was also writing materials in terms of advocating violence. He was properly excludable from this country under the law as it was before the McGovern amendment.

As a matter of fact, it is rather interesting to note what Mr. Koch wrote to a friend, a well-known American, Dr. Benjamin Spock, who was spearheading the drive to let Mr. Blanco into the country. Here is what our former colleague wrote to Dr. Spock:

Don't you agree that if, in fact, he admitted responsibility for the murder of three policemen and advocates the use of violence that those are grounds for rejection?

In your original letter to me your reference to Secretary Kissinger was "has all the instincts of a thug, coated over with professional pomposity." My question is how would you now characterize Hugo Blanco?

Why do I point this out? Because in 1978, under the McGovern amendment, Hugo Blanco was admitted to this country. So we have moved exactly in the opposite direction from what we were being told.

Now, as the gentleman from Missouri (Mr. BURLISON) indicates, as one small modicum of restraint in this area, as just one little area of letting the Intelligence Committee know when things like this happen, we are simply asking that they inform the committee of the applications of the FBI for exclusion of aliens which are overruled. What is wrong with that?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ASHBROOK) has expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, to continue, as the gentleman from Missouri (Mr. BURLISON) has indicated, we cannot prevent them from coming into the country, but this certainly relates to the intelligence and the security of this country when decisions are made relating to excludable aliens. We should know.

If the Members wish, I could take about 15 minutes and go through another dozen instances of precisely the same type of situation where, because of our openness and because we want to bend over so far the other way, we are allowing terrorists and we are allowing people who advocate violence to come into the country. This is on the record. This is not what JOHN ASHBROOK says, but this is on the record. We are allowing them to come into this country because of the application of the McGovern amendment.

This does not seem to be asking very much. We are not asking for the repeal of the McGovern amendment, although I personally would like to see that. We are not asking for that.

We are merely asking that the Intelligence Committee as a part of its responsibility be informed of both the numbers and the individual instances where applications to prevent an excludable alien from coming into our country are overruled. At least we should know about it. It does not seem we are asking very much.

Mr. Chairman, our immigration laws require that foreigners who wish to visit the United States not be persons whose presence here would create security problems for this country. The law excludes Communists, terrorists, and other such undesirables. There is a provision, however, that if the entry of an excludable person is in the interests of the United States, the Secretary of State can request that the Attorney General grant a waiver so that the person can be admitted. In recent years that has been a loophole for the admission of many undesirables who in no way should have been admitted and whose presence in our country serves no useful purpose.

Last year, as a result of an amendment to the Foreign Relations Authorization Act, fiscal year 1978, introduced by Senator MCGOVERN, the Secretary of State must ask for waivers for all those who are and should be excludable. This has opened the floodgates to Communists, terrorists, espionage agents, and other security problems. In almost all of the cases where the FBI has recommended that a waiver be denied, the undesirable was allowed to enter the United States due to State Department action.

There are a number of examples of this. One was Hugo Blanco, a Peruvian, Trotskyite, terrorist who was barred from the United States in 1975. At that time, our then colleague Edward Koch of New York wrote to the State Department demanding to know why Blanco had been barred. The State Department at first refused to reveal the evidence they had about Blanco, on the grounds that it was classified. Later, however, they sent Congressman Koch public record information showing that Blanco was involved in terrorism in Peru and had admitted responsibility for the murder of three policemen. Mr. Koch then concluded, that based on this information, Blanco should be barred from the United States, (CONGRESSIONAL RECORD March 1, 1976, pp. 4812–4815).

This year under the McGovern amendment the terrorist, Hugo Blanco, was admitted to this country.

Ernest Mandel is the leader of the Trotskyite Fourth International, a group which is involved in international terrorism. Some of its members, however, argue that terrorism may be a good tactic, but should not be used at this time. Among those who argue this are the leaders of the Socialist Workers Party, the American section of the Fourth International. Ernest Mandel leads the faction that advocates terrorism now. Even Jack Barnes, the national secretary of the Socialist Workers Party, has accused Mandel of "attempting to smuggle terrorism, under the name 'urban guerrilla war,' into the traditions of Leninism" in order to justify the terrorist activities including kidnaping and murder of the Argentine sector of the Fourth International (speech to an SWP conference printed in International Internal Discussion Bulletin of the Fourth International, No. 9, July 1973, page 11).

Mandel had been barred from the United States because he had violated the terms of an earlier visa. This year, under the McGovern amendment, he was admitted to this country.

Wilfred Burchett, who was publicly identified in testimony before the Senate as a KGB agent, was recently again allowed to visit this country. He had gotten waivers in the past despite his activity against the interests of the United States. In November 1969, Yuri Krotkov, a defector from the Soviet KGB, in testimony before the Senate Judiciary Subcommittee on Internal Security, identified Burchett as one of the agents that he had controlled for the Soviet intelligence service.

In addition, Burchett has been identified by American former prisoners of war from Korea and Vietnam, as a person who participated in the interrogations to force them to make false confessions to be used for Communist propaganda against the United States. I feel that such people—terrorists, Soviet intelligence agents, and so forth, should not be admitted to the United States. If we are going to admit them it is clear that the FBI will have to commit manpower and money to prevent such individuals from carrying out illegal activities in this country.

Title IV of this bill requires that the House and Senate Intelligence Committees be notified in cases where the FBI recommendation of denial of a waiver is disregarded. We need to know about individuals whose presence in this country causes security problems that require FBI intelligence gathering, and hence, impact on the funding levels our com-

mittee recommended for the intelligence agencies, such as the FBI.

The facts are alarming. Since the passage of the McGovern amendment, this administration has overruled every request of the FBI for the exclusion of undesirable aliens. The precise figures are classified and I cannot make them available for that reason but the percentage figures tell the story equally well, even without the number of individual cases. I can only state that the number of cases is substantial. Here is what has happened.

Calendar year and percentage of denial requests not implemented	
1976	87
1977	99
1978 (None implemented end 1st quarter)	—

In other words, 99 percent of the requests of the FBI to deny admission to excludable aliens in 1977 were turned down and 100 percent so far this year. Think of that. The McGovern amendment simply made legal what the liberals in the State Department were doing and wanted to do. It gave them a convenient hook on which to hang their hat. As a result, a terrorist, murderer, anarchist will gain a visa to come to this country notwithstanding the facts. The argument is given that we want to comply with the Helsinki accords and the State Department must bend over backward so as to not impinge on anyone's human rights. Nonsense. You cannot even get honorable people into or out of the Soviet Union, a signatory to the Helsinki accords, but any thug in the world can make a triumphant tour of this country, thanks to our liberal State Department and the McGovern amendment.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. The gentleman is still conceding, is he not, that the Attorney General ultimately has the power, regardless of the McGovern amendment and regardless of what the Secretary of State does, the ultimate power resides in the Attorney General to refuse to grant a waiver and to refuse to permit an alien to come in under section 28, and he has the ultimate authority under section 28 and section 29, if he makes the appropriate finding these people should not enter; is that correct?

Mr. ASHBROOK. Yes. I kind of wonder why the Justice Department and the State Department throw up their hands and say, "We are not going to do anything about anybody."

Who are we going to exclude if we do not exclude Hugo Blanco?

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

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

Ms. HOLTZMAN. Will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. That is why I raise the point. Since the Attorney General has the ultimate power in this case to make the decision, and since the FBI works for the Attorney General and is under his control, why are we permitting this end run? Why are we interfering with a decisionmaking process within the Justice Department? I do not understand that.

Mr. ASHBROOK. In the first place, the FBI and the Attorney General are not primarily responsible to Congress. They are part of the executive branch. I think it is entirely appropriate that the Intelligence Committee at least knows the numbers, the frequency and the individual cases where applications for exclusions are denied. I think that is a part of our intelligence oversight, and I do not think that is impinging on human rights or impinging on civil rights of anyone. It is simply a part of our intelligence responsibility to know how Immigration and Naturalization is functioning in this area, vis-a-vis the State Department, the FBI, the executive branch of Government and the Justice Department.

Ms. HOLTZMAN. If the gentleman will yield further, it sounds to me as though the FBI has some internal bureaucratic problems with the Attorney General, and I am not sure that it is appropriate for the Congress to get in the middle of that.

Mr. ASHBROOK. I do not think we are getting in the middle. I think as a matter of oversight we should know what we are doing.

Mr. Chairman, I urge the defeat of the amendment.

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

Mr. Chairman, the provisions of the immigration law that are at issue here are provisions of grave concern to all of us. Nobody wants to see persons enter the United States who would commit sabotage or espionage or who would engage in murder, or the like. And that is why our law has absolute prohibitions against their entry, and the power to prohibit entry is specifically given to the Attorney General of the United States.

What this committee report says, however, is not true. The report says, on page 6, "that the U.S. Government may be regularly admitting aliens contrary to the recommendations of—the Attorney General."

There is no way in which aliens could come into the United States, under sections 27, 28, or 29, contrary to the recommendations or decisions of the Attorney General. It is just not possible under the law.

Therefore, what this committee is suggesting to the House in this bill is that when the Attorney General does not accept the recommendations of the FBI—and I assume there are cases in which that happens—then somehow there is something wrong in the process and the Congress should get involved.

I do not see any evidence of the need for that. I do not see any evidence that the Attorney General has not performed his function appropriately with respect to the FBI and with respect to other agencies within his domain; nor is there any indication from the debate that we have held so far that anyone has made such a claim.

The gentleman from Missouri was unable to tell me why the FBI was unable to convince the Attorney General of its findings.

For that reason, I am unpersuaded of the need for this additional oversight by the Intelligence Committee. In fact, it seems to me that the purpose of this oversight is, as the committee says in its report, to bring a more balanced perspective to the decisionmaking process regarding Federal Bureau of Investigation requests. The decisionmaking process under the law, however, is given to the Attorney General and not to the FBI; and I would hope that the FBI could make its case, if it has a case, to the Attorney General. I would say to my friend, the gentleman from Missouri, that, if it cannot make a case to the Attorney General with respect to these matters, perhaps it has no case to make.

Finally, Mr. Chairman, since there is discretion to admit an ineligible alien only under section 28 (there is no discretion to admit anybody to this country who would fall within the category of a possible espionage agent, a possible saboteur, or someone who would engage in acts of terrorism) and since that section has to do with persons whose activities involve writing or speaking, activities or ideas, I am concerned that the committee language may raise questions about our commitment to observe the Helsinki Accords and our willingness to deal with them as responsively as possible.

Mr. Chairman, frankly, I am not afraid of ideas. I do not think any American has to be afraid of ideas. Although we do not have any obligation to permit anyone to come into this country if the person is going to commit violence or is going to violate our laws, we should not erect barriers against persons who write or publish, or discuss ideas with which we may not agree. We do not have to be afraid of ideas in this country.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentlewoman for yielding.

I am puzzled. Could the gentlewoman tell me, Was Mr. Blanco admitted?

Ms. HOLTZMAN. I am unfamiliar with that case. Perhaps the gentleman from Missouri (Mr. BURLISON) knows the answer to that.

Mr. BURLISON of Missouri. If the gentlewoman will yield, Mr. Chairman, apparently he was.

Mrs. FENWICK. Mr. Chairman, is the gentlewoman suggesting that Congress ought not to know that Mr. Blanco was admitted? It seems curious to me.

I agree with the gentlewoman from New York (Ms. HOLTZMAN). There is absolutely no reason that we should fear any ideas in the world; but I think a Peruvian peasant, as so described by Mr.

Koch in the CONGRESSIONAL RECORD, who has openly boasted of killing three policemen, is scarcely one who is going to come here without some ideas.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. HOLTZMAN) has expired.

(On request of Mr. BURLISON of Missouri and by unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Mr. BURLISON of Missouri. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I am happy to yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, let me say that the Secretary of State is a rather powerful official in this Government. Let me say that the President is the boss of the Attorney General, as the gentlewoman knows; and let me say that there are a number of instances, which I think the gentlewoman has referred to, in which the Attorney General has waived these requirements, and these individuals have been admitted.

Mr. Chairman, let me say that all in the world that we are requesting in this amendment is that the Congress be notified in those instances; when those things occur, that we be notified of them.

In view of the fact that the Committee on International Relations is notified if an excludable alien is not admitted, what is so inequitable or unreasonable or unfair about the Congress being notified when an excludable alien is admitted against the recommendation of the Federal Bureau of Investigation?

The CHAIRMAN. The time of the gentlewoman from New York (Ms. HOLTZMAN) has again expired.

(By unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Ms. HOLTZMAN. Mr. Chairman, generally speaking, I would agree with the gentleman from Missouri (Mr. BURLISON). However, as the gentleman well knows, there is no possibility that anybody can come into the United States who the Attorney General finds falls within sections 27 and 29 of the immigration law. The only section we really refer to and under which anybody could possibly be admitted to this country is section 28.

In that case, the Attorney General is required now to report, under the law, to the House Committee on the Judiciary. With respect to that, I think there is adequate protection.

I am not saying that the Congress should not know it already has the power and ability without this provision to find the facts. Furthermore, the Intelligence Committee could always ask for an explanation. The practice under these sections of the immigration laws without title IV of this bill.

Mr. MOFFETT. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I thank the gentlewoman for yielding.

I would say, without getting into arguments about whether things like the House Un-American Activities Committee are a good idea, it seems that this is almost a reincarnation of that kind of approach. That thought troubles this Member greatly.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. HOLTZMAN) has again expired.

(On request of Mr. MOFFETT and by unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Mr. MOFFETT. It troubles me greatly because we have seen in our immigration policies over the past several years an inconsistency which goes something like this: We have admitted some violent people, and very frequently they have been admitted from countries that have had right-wing dictatorships, with whom we were friendly and with whom our country had a good relationship. We have excluded a number of people who, by any of our standards, would be peaceful people, but because they happen to be socialist writers, have been excluded. This is because of the peculiarities of our law.

That has troubled some Members of the House and has troubled this Member, because I think we are in agreement that we certainly do not want to admit people who have a propensity for violence. That is clear. I do not think on either side of the aisle, whatever our philosophies or ideologies, many of us want to advocate that kind of thing. But, I do not think that the idea of saying that the FBI will report directly to us when in fact they have a boss, and that boss in fact—if we do scrupulous oversight—will be reporting to us anyway, is a good idea.

Mr. Chairman, I associate myself with the remarks of the gentlewoman from New York.

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

Mr. Chairman, I do not happen to be as knowledgeable of these provisions as is the gentlewoman from New York, but I believe I am wise enough to recognize that these individuals who are excludable and who would be reportable to our committees are not the individuals who are just projecting ideas that may vary from some ideas that we may hold. As a matter of fact, since the Final Helsinki Act, we have opened our gates in a very generous way to try to demonstrate our desire for a freer flow of individuals into our country, and hopefully so that more of our citizens can travel to those countries.

But, in waiving provisions which would otherwise make them excludable and by accepting them here, it would be extremely gullible on our part to concede that these are just individuals who are holding and projecting ideas that may be unacceptable. These individuals in large measure, especially those who come over there on temporary visas, are individuals who are engaged themselves in intelligence activities in behalf of the nations from which they come. Any of us who do not recognize that, it seems to me, are just being unrealistic.

This provision in the bill merely requires the sharing of information. Should we permit one agency of Government to hold and conceal information that may be useful to us in defending our own national security? It seems to me that to deny our committee access to that information would be an extremely narrow perception of our responsibility, and especially of our responsibilities as members of the Intelligence Committee, that is recommending the sharing of this vital information.

So, it is just unthinkable to me that these excludable individuals, should not even be reportable, and that the information of their identity would not be available. That, it seems to me, is completely unthinkable. I just hope that we resoundingly reject this amendment.

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

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

Mr. ASHBROOK. Mr. Chairman, I thank my colleagues for yielding to me.

I certainly identify and agree with everything the gentleman from Illinois has said. I think our colleague from New York, who is very intelligent and knowledgeable, knows that sections 27 and 29 are a catch-22.

What we are talking about in those cases is the Attorney General virtually has to be certain that the person who was otherwise excludable as far as coming to this country would engage in illegal acts. That is the loophole. One can take a terrorist or anybody who has done almost anything overseas and he comes to this country and wants to make a triumphal speech tour, and all he has to show is he is not coming to this country to engage in acts of espionage, sabotage, et cetera. That is the loophole, and they will have to let him into this country simply because the Attorney General cannot certify he will probably engage in these activities.

In the past, we have excluded some people who have engaged in those illegal acts overseas, and unless we can show he will engage in those acts, under section 29 we cannot exclude him.

Mr. McCLORY. But the person by and large probably just is not believable.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, fortunately I have the quite unwieldy immigration statutes with me. I would like to assure my colleague, the gentleman from Ohio, with respect to the powers of the Attorney General under section 27. He does not have to be certain about anything to exclude an alien. All the Attorney General has to have is reason to believe that the person seeks to enter the United States incidentally—not even solely or principally, but incidentally—to engage in activities which would be prejudicial to the interests of the United States or endanger the security of the

United States. The Attorney General's power under section 27 is enormous.

Mr. McCLORY. And it is my understanding he can waive the exclusion.

Ms. HOLTZMAN. He cannot. After the Attorney General makes such a finding under that section—or under section 29—he cannot waive it.

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

But again, if he does not make a finding, there is nothing to waive, and if he will not make a finding even in the worst examples—section 29 says they have to engage in espionage, sabotage, or public disorder—then section 27 might as well not be on the book. If they are going to let everybody in regardless of what they have done, then section 27 is of no consequence. That is my point. We have to deal with the practical fact of what is happening, not with what the law is. This administration doesn't appear bent on excluding any alien for any reason.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment of our colleague from New York and in support of section 401 of title IV. I believe that the language of this section will serve an important function in enhancing the oversight function of the Congress, and strengthening the internal security of this country.

Currently, under section 212(a)(27), (28) and (29) of the Immigration and Nationality Act, certain categories of persons are excluded from admission to the United States. These include espionage agents, terrorists, members of overseas Communist parties, and persons who would overthrow the Government of the United States. If a person applying for admission is identified under sections (27) or (29) as falling into one of the designated excludable categories, he must automatically be denied admission; if he is found to fall under section (28), admission may be denied, but may also be waived. Most commonly, differences of fact have arisen between the concerned agencies—the Department of State and the FBI—over whether or not a given applicant is or is not a member of an excluded class. In the event of such a dispute, seriously undesirable aliens may be admitted to the country, contrary to the express recommendations of the Federal Bureau of Investigation and the Attorney General. This has taken place on a regular basis in the past, and unless corrective action is taken, will undoubtedly take place again.

The presence of such persons in the United States is clearly detrimental to the security interests of this country. In a period of growing international terrorism, it is imperative that every possible effort be taken to prevent the entry of persons who might engage in such activities. Given the cancerous and destructive growth of terrorism in Western Europe, the Middle East, Africa, Latin America, and Asia—and I think we need to look with particular concern to the resurgence of this phenomenon in nations such as Germany and Italy—this is a time for us to increase rather than loosen our scrutiny of persons who would be likely to engage in these activities. Discussion is already underway of how and when terrorism might spread to the United States itself. This is one area where, frankly, I would not give the other side the benefit of the doubt.

Much the same can be said for the admission of potentially dangerous persons, such as espionage agents or other persons whose activities are known to be detrimental to the security interests of the United States. If any serious question exists as to whether a given individual is or is not a security threat, I strongly feel that that person should be denied admission to the United States. At the very least it is the height of folly to swamp our already-overburdened counterintelligence services by the admission of persons whose questionable nature will require ongoing scrutiny and observation.

The language of section 401 will, I believe, add an important balancing element to the decision-making process under which these applications are reviewed. I place considerable faith in the judgment of the Federal Bureau of Investigation as to the desirability or undesirability of aliens falling under section 212(a)(27), (28), and (29) of the Immigration and Nationality Act. If for any reason the recommendation of the FBI or the Attorney General is overruled or disregarded with regard to such applications, this Congress, through its respective Intelligence Committees, should be informed. This additional scrutiny will, it appears, help to stem the flow of potential security risks into this country, and thus should help to establish more solidly our true counterintelligence priorities.

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

Mr. Chairman, after all of the debate on this particular title, let me say that one of the problems that was facing this committee—and I think that those who favor the striking of this section, or this title, would agree that one of the problems in this area would be—is the internal squabble between the Department of Justice and the Department of State.

It is well known, too, I think, by all the Members of the House, that one of the reasons for the squabble is precisely what we are trying to take care of here. This committee is willing to accept an amendment which will be offered if this present amendment is defeated and the Committee of the Whole refuses to strike title IV. The committee is willing to accept an amendment which will be offered by the gentleman from Pennsylvania (Mr. EILBERG), who is the chairman of the Subcommittee on Immigration, Citizenship and International Law of the Committee on the Judiciary.

Let me say to the gentleman from Connecticut, my friend Mr. MOFFETT, and my friend the gentleman from New York (Mr. WEISS) that the very issue that you were talking about, whether or not we are establishing another internal security committee, is of course simply not so.

That was a question that was raised by the distinguished gentleman from Connecticut (Mr. DODD) when I appeared before the Committee on Rules to ask for a rule.

There is no intention on the part of this committee to have any particular list of any people who are excludable or not excludable under the laws of this Nation. We do not want that. We do not want that kind of a list.

What we are trying to do, really, is to assist the intelligence community in really determining whether or not the practices which have occurred under this provision ought to be changed. That is exactly what we are trying to do, get the facts, get the numbers, determine whether there should be a recommendation made, and, if there ought to be, we will make one.

I do not think anyone can disagree that admitting excludable aliens does present a problem, I think, in counterintelligence, for the FBI. Nobody can disagree with that.

So what this committee is seeking to do is determine precisely what the facts are, who is right or wrong in the squabble between the Department of Justice and the Department of State and then come up with some recommendation.

The title as it is carried in the bill now is permanent legislation and the amendment which will be offered by the gentleman from Pennsylvania (Mr. EILBERG) will make the list apply to fiscal year 1979. And also that the reports with respect to those who are excludables, who have been granted visas, will also go to the Committee on the Judiciary. I think that ought to resolve the problem.

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

Mr. BOLAND. I yield to the gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Chairman, I appreciate the gentleman from Massachusetts (Mr. BOLAND) recalling the discussion we had in the Committee on Rules over this particular point. One of my concerns there was that the committee would be collecting a bundle of names where there was no process for expunging that record after a certain period of time. And I could envision a situation where 5 or 10 years from now where you might have someone of questionable character after that information, then being entirely exonerated from any potential wrongdoing, who would be subject to a conflict because his or her name happened to appear on a record or a list somewhere of having been the subject of an investigation by the Intelligence Committee because just that kind of a list, or that kind of information about an individual is just so damaging to them. And we have seen lists reappear in the past.

As I understand it under the bill that has been passed there is no mechanism at all for dealing with these people. Even if you only take a look at them, what do you do with the list? What happens to

them, what happens to the list, do they end up permanently in some file drawer?

Mr. BOLAND. I think I can assure the gentleman, from my point of view, and I think I can speak for the point of view of the committee, that I think as soon as we look at the lists developed by the committee, we will send them back to the Department of State or the Department of Justice from whence they came. But, in any event, the committee is appreciative of and applauds the position of the gentleman from Connecticut (Mr. DODD) and his colleague from Connecticut (Mr. MOFFETT) and the distinguished gentlewoman from New York (Ms. HOLTZMAN) and her colleague, the gentleman from New York (Mr. WEISS). We are concerned about it. But really our concern goes to finding out whether or not the admission of excludable aliens really impacts upon the counterintelligence ability of the FBI. That is one of the reasons it is in there. It is something that will not be permanent. We will make it temporary.

Mr. Chairman, we have debated this now for almost an hour.

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. DODD. I thank the gentleman for yielding.

In this discussion regarding the provisions of law that have to do with excludable aliens, I would be glad to hear, if I could, from the chairman regarding this point. As I understand it, under the law as it presently exists, if the Attorney General files a report excluding an alien from entering into this country, then that person is to be excluded?

Mr. BOLAND. Absolutely. The power is in the Attorney General, as the gentlewoman from New York indicated. The problem is, I think, a problem of pressure which is put upon the Attorney General by others, by the Secretary of State, by people outside the Attorney General's office concerned about the reaction of other countries, where when we exclude the particular alien there is a violation of the Helsinki Agreements, and that sort of thing. So the Attorney General, I think, is under some—I do not know whether it is compelling pressure—but I think he is under some pressure to recommend waiver of an exclusion. That is where the problem is. I agree with that.

In any event, Mr. Chairman, I think I ought to ask for a vote, but I ought not yet to do it in face of the fact that the gentleman from New York (Mr. WEISS) has risen.

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

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

Mr. WEISS. I thank the gentleman for yielding.

Could I ask the gentleman a question?

Mr. BOLAND. Surely.

Mr. WEISS. Given the charge of the Permanent Select Committee on Intelligence, does the gentleman really believe that the power of having names of aliens, excludable aliens who are to be admitted to this country with the approval of the Attorney General, is in fact fulfilling the role of a Permanent Select Committee on Intelligence, when I thought that the reason that the committee was created to begin with was to oversee some of the excesses of the intelligence community? That was the genesis of this whole situation.

Mr. BOLAND. That is right.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. BOLAND. The gentleman is precisely right, the committee was created to oversee the excesses of abuses and also to be sure that the oversight of the intelligence community is conducted by this committee and that the intelligence community is acting within the purview of the law and within the Constitution. I think that is important too, as does the gentleman.

The gentleman did not vote for the creation of the committee when it was voted on last year anyhow; the gentleman opposes it now; he is not going to vote for the budget authorization bill (H.R. 12240) today. But I can understand. I have no objection to that.

Mr. WEISS. Will the gentleman yield?

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

Mr. WEISS. I thank the gentleman.

I appreciate the gentleman's not having any objection to it. The gentleman is not suggesting that simply because I voted against the creation of that committee for the very reasons cited by the gentleman from Colorado (Mr. JOHNSON), that in fact the arguments on striking title IV are ex post facto invalid?

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York (Mr. WEISS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 60, noes 312, not voting 62, as follows:

[Roll No. 418]

AYES—60

Bedell	Dodd	Kildee
Biaggi	Downey	Kostmayer
Blouin	Drinan	Leggett
Bonior	Eckhardt	Lundine
Brodhead	Edgar	McHugh
Brown, Calif.	Edwards, Calif.	Maguire
Burton, John	Fraser	Markey
Burton, Phillip	Garcia	Mikulski
Cavanaugh	Giaimo	Mikva
Chisholm	Gonzalez	Miller, Calif.
Clay	Harrington	Mitchell, Md.
Collins, Ill.	Harris	Moffett
Corman	Holtzman	Moss
Cornell	Kastenmeier	Nolan
Obey	Schroeder	Vanik
Ottinger	Seiberling	Walgren
Rangel	Stark	Weaver
Reuss	Studds	Weiss
Richmond	Thompson	Wirth
Scheuer	Thornton	Yates

NOES—312

Abdnor	Fascell	Marks
Addabbo	Fenwick	Marlenee
Akaka	Findley	Marriott
Ambro	Fish	Martin
Ammerman	Fisher	Mathis
Anderson, Calif.	Fithian	Mattox
Anderson, Ill.	Flippo	Mazzoli
Andrews, N.C.	Flood	Meeds
Andrews, N. Dak.	Foley	Metcalfe
Annunzio	Ford, Mich.	Meyner
Archer	Ford, Tenn.	Michel
Armstrong	Forsythe	Milford
Ashbrook	Fountain	Miller, Ohio
Ashley	Fowler	Mineta
Aspin	Frenzel	Mitchell, N.Y.
AuCoin	Frey	Moakley
Badham	Fuqua	Moore
Bafalis	Gammage	Moorhead, Calif.
Baldus	Gaydos	Moorhead, Pa.
Barnard	Gephardt	Mottl
Bauman	Gilman	Murphy, Ill.
Beard, R.I.	Ginn	Murphy, Pa.
Beard, Tenn.	Glickman	Murtha
Benjamin	Goldwater	Myers, Gary
Bennett	Goodling	Myers, John
Bevill	Gore	Myers, Michael
Bingham	Gradison	Natcher
Blanchard	Grassley	Neal
Boggs	Green	Nedzi
Boland	Gudger	Nichols
Bolling	Guyer	Nix
Bonker	Hagedorn	Nowak
Bowen	Hall	Oberstar
Brademas	Hamilton	O'Brien
Breaux	Hammer-schmidt	Panetta
Breckinridge	Hanley	Patterson
Brinkley	Hansen	Pattison
Brooks	Harkin	Pease
Broomfield	Harsha	Pepper
Brown, Mich.	Hawkins	Perkins
Brown, Ohio	Heckler	Pettis
Broyhill	Hefner	Pickle
Buchanan	Heftel	Poage
Burgener	Hightower	Preyer
Burke, Fla.	Hillis	Price
Burke, Mass.	Hollenbeck	Pritchard
Burleson, Tex.	Holt	Pursell
Burlison, Mo.	Horton	Quayle
Butler	Huckaby	Quillen
Byron	Hughes	Rahall
Caputo	Ichord	Railsback
Carr	Ireland	Regula
Carter	Jacobs	Rhodes
Cederberg	Jeffords	Rinaldo
Clausen, Don H.	Jenkins	Risenhoover
Clawson, Del	Johnson, Calif.	Roberts
Cleveland	Johnson, Colo.	Robinson
Cohen	Jones, N.C.	Roe
Coleman	Jones, Okla.	Rogers
Collins, Tex.	Jones, Tenn.	Roncalio
Conable	Jordan	Rooney
Conte	Kasten	Rose
Corcoran	Kazen	Rostenkowski
Cornwell	Kelly	Rousselot
Coughlin	Kemp	Rudd
Crane	Ketchum	Ruppe
Cunningham	Keys	Russo
D'Amours	Kindness	Sarasin
Daniel, Dan	Krebs	Satterfield
Daniel, R. W.	LaFalce	Sawyer
Davis	Lagomarsino	Schulze
de la Garza	Latta	Sebelius
Delaney	Leach	Sharp
Derrick	Lederer	Shipley
Derwinski	Le Fante	Shuster
Devine	Lehman	Sikes
Dickinson	Lent	Sisk
Dicks	Levitas	Skelton
Diggs	Livingston	Skubitz
Dingell	Lloyd, Calif.	Slack
Duncan, Tenn.	Lloyd, Tenn.	Smith, Iowa
Early	Long, La.	Smith, Nebr.
Edwards, Ala.	Long, Md.	Snyder
Edwards, Okla.	Lott	Solarz
Emery	Lujan	Spellman
English	Luken	Spence
Erlenborn	McClory	Staggers
Ertel	McCormack	Stangeland
Evans, Colo.	McDade	Stanton
Evans, Del.	McDonald	Steed
Evans, Ga.	McEwen	Steers
Evans, Ind.	McFall	Steiger
Fary	McKay	St Germain
	Mahon	Stratton
	Mann	Symms

Taylor	Waggonner	Winn
Thone	Walker	Wolff
Traxler	Walsh	Wright
Treen	Wampler	Wylie
Trible	Watkins	Yatron
Udall	Whalen	Young, Fla.
Ullman	White	Young, Mo.
Van Deerlin	Whitehurst	Zablocki
Vento	Whitley	Zeferetti
Volkmer	Wiggins	

NOT VOTING—62

Alexander	Hannaford	Roybal
Allen	Holland	Runnels
Applegate	Howard	Ryan
Baucus	Hubbard	Santini
Beilenson	Hyde	Simon
Burke, Calif.	Jenrette	Stockman
Carney	Krueger	Stokes
Chappell	McCloskey	Stump
Cochran	McKinney	Teague
Conyers	Madigan	Tsongas
Cotter	Minish	Tucker
Danielson	Mollohan	Vander Jagt
Dellums	Montgomery	Waxman
Dent	Murphy, N.Y.	Whitten
Dornan	Oakar	Wilson, Bob
Duncan, Oreg.	Patten	Wilson, C. H.
Eilberg	Pike	Wilson, Tex.
Florio	Pressler	Wydler
Flowers	Quie	Young, Alaska
Flynt	Rodino	Young, Tex.
Gibbons	Rosenthal	

The Clerk announced the following pairs:

On this vote:

Mrs. Burke of California for, with Mr. Eilberg against.

Mr. Conyers for, with Mr. Carney against.

Mr. Dellums for, with Mr. Dornan against.

Mr. Stokes for, with Mr. Vander Jagt against.

Messrs. WALGREN, KILDEE, LEGGETT, CORMAN, McHUGH, and CORNELL changed their vote from "no" to "aye."

Messrs. RISENHOOVER, ABDNOR, RINALDO, PEPPER, and PURSELL changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FISH

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

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 4, strike out line 18 and all that follows down through line 4 on page 5 and insert in lieu thereof the following new section:

SEC. 401. During fiscal year 1979, whenever the Attorney General notifies the Secretary of State that he knows or has reason to believe that an alien applying for admission into the United States is an excludable alien under the terms of section 212(a) (27), (28), or (29) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) and that alien is subsequently admitted into the United States, the Attorney General shall, within thirty days, notify the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate of such admission.

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

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

There was no objection.

Mr. FISH. Mr. Chairman, the purpose of this amendment is twofold—to limit the duration of the reporting requirement of section 401 of the bill to the fiscal year 1979 and secondly to allow review of referrals by the Attorney General under the section by the Judiciary Committees of both bodies, in addition to the Intelligence Committees.

The Subcommittee on Immigration, Citizenship, and International Law of the Judiciary Committee, needless to say, is greatly concerned with the admission of any alien in the United States who may be or is determined to be excludable under any of the provisions of the Immigration and Nationality Act, especially where the grounds for exclusions relate to espionage, subversion, and other activities which might threaten this country's national security.

Unfortunately, the Subcommittee on Immigration did not have the opportunity to consider section 401.

The effect of my amendment is to automatically terminate the reporting requirement of the section at the end of the 1979 fiscal year unless Congress enacts legislation to continue it. In this way the Judiciary Committee will have the opportunity to thoroughly consider the provision before it becomes permanent law.

The amendment will require the Attorney General, during fiscal year 1979, to forward reports relating to these excludable individuals to the Judiciary Committees, as well as the Intelligence Committees.

I feel this is a reasonable requirement in light of the fact that immigration is within the jurisdiction of those standing committees and that the admission of persons expressly excluded by our immigration statute is a matter which should properly be brought before those committees.

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

Mr. FISH. I will be glad to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, the gentleman has explained the amendment. The amendment is agreeable to this side. It is the amendment which would have been offered by the gentleman from Pennsylvania (Mr. EILBERG), chairman of the Subcommittee on Immigration. We have no objection to it.

Mr. FISH. I thank the gentleman.

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

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

Mr. ASHBROOK. Mr. Chairman, I think generally the situation on this side is that we felt that it should be permanent. We have no objection to making it for 1 year.

As the gentleman says, we also talked about it and debated it concerning what is happening and having some review, and also with the view of having a little better Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FISH).

The amendment was agreed to.

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

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

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

Mr. BOLAND. Mr. Chairman, for the information of the members of the Committee of the Whole, the gentleman from Ohio is not offering an amendment. No more amendments will be offered, as I understand, to this bill. We will be ready to vote on the bill in about 5 minutes if the Committee will indulge us.

Mr. SEIBERLING. Mr. Chairman, I just thought the Members would like to know, since I doubt if many of them have read the classified figures over in the committee room, and I do not know how many of them have looked at the committee report, that the biggest item in this bill is a blank:

Intelligence activities: Fiscal year 1978—blank;

Budget request—blank;

Committee recommendation—blank; and

Recommended change—blank.

I do not intend to vote against the authorization for our Government's intelligence-gathering activities, but since the amount we are asked to authorize is a blank, I intend to vote "blank," by simply voting "present."

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NATCHER) having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, the Central Inttelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1205, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. JOHNSON OF COLORADO

Mr. JOHNSON of Colorado. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JOHNSON of Colorado. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JOHNSON of Colorado moves to recommit the bill H.R. 12240, to the Select Committee on Intelligence.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

Mr. WEISS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken by electronic device; and there were—yeas 323, nays 43, answered "present" 5, not voting 63, as follows:

[Roll No. 419]

AYES—323

Abdnor	Derwinski	Jordan
Addabbo	Devine	Kasten
Akaka	Dickinson	Kazen
Ambro	Dicks	Kelly
Ammerman	Diggs	Kemp
Anderson, Calif.	Dingell	Ketchum
	Dodd	Keys
Anderson, Ill.	Duncan, Tenn.	Kildee
Andrews, N.C.	Early	Kindness
Andrews, N. Dak.	Eckhardt	Krebs
	Edwards, Ala.	LaFalce
Annunzio	Edwards, Calif.	Lagomarsino
Archer	Edwards, Okla.	Latta
Armstrong	Emery	Leach
Ashbrook	English	Lederer
Ashley	Erlenborn	Le Fante
Aspin	Ertel	Leggett
AuCoin	Evans, Del.	Lehman
Badham	Evans, Ga.	Lent
Bafalis	Evans, Ind.	Levitas
Baldus	Fary	Livingston
Barnard	Fascell	Lloyd, Calif.
Bauman	Fenwick	Lloyd, Tenn.
Beard, R.I.	Findley	Long, La.
Beard, Tenn.	Fish	Long, Md.
Benjamin	Fisher	Lott
Bennett	Fithian	Lujan
Bevill	Flippo	Luken
Biaggi	Flood	McClory
Bingham	Foley	McCormack
Blanchard	Ford, Mich.	McDade
Blouin	Ford, Tenn.	McDonald
Boggs	Forsythe	McEwen
Boland	Fountain	McFall
Bolling	Fowler	McHugh
Bonker	Fraser	McKay
Bowen	Frenzel	Madigan
Brademas	Frey	Mahon
Breaux	Fuqua	Mann
Breckinridge	Gammage	Marks
Brinkley	Gaydos	Marlenee
Brooks	Gephardt	Marriott
Broomfield	Gilman	Martin
Brown, Mich.	Ginn	Mathis
Brown, Ohio	Goldwater	Mattox
Broyhill	Goodling	Mazzoli
Buchanan	Gore	Meeds
Burgener	Gradison	Meyner
Burke, Fla.	Grassley	Michel
Burke, Mass.	Green	Mikulski
Burleson, Tex.	Gudger	Milford
Burlison, Mo.	Guyer	Miller, Ohio
Butler	Hagedorn	Mineta
Byron	Hall	Mitchell, N.Y.
Caputo	Hamilton	Moakley
Carr	Hammer-schmidt	Moore
Carter		Moorhead, Calif.
Cederberg	Hanley	
Clausen, Don H.	Hansen	Moorhead, Pa.
	Harkin	Mottl
Clawson, Del	Harris	Murphy, Ill.
Cleveland	Harsha	Murphy, Pa.
Cohen	Hawkins	Murtha
Coleman	Heckler	Myers, Gary
Collins, Tex.	Hefner	Myers, John
Conable	Heftel	Myers, Michael
Conte	Hightower	Natcher
Corcoran	Hillis	Neal
Corman	Hollenbeck	Nedzi
Cornell	Holt	Nichols
Cornwell	Horton	Nix
Coughlin	Huckaby	Nowak
Crane	Hughes	Oberstar
Cunningham	Ichord	O'Brien
D'Amours	Ireland	Panetta
Daniel, Dan	Jacobs	Patterson
Daniel, R. W.	Jenkins	Pease
Davis	Johnson, Calif.	Pepper
de la Garza	Jones, N.C.	Perkins
Delaney	Jones, Okla.	Pettis
Derrick	Jones, Tenn.	Pickle
Poage	Schulze	Trible
Preyer	Sebelius	Udall
Price	Sharp	Ullman
Pritchard	Shipley	Van Deerlin
Pursell	Shuster	Vento
Quayle	Sikes	Volkmer
Quillen	Sisk	Waggonner
Rahall	Skelton	Walgren
Railsback	Slack	Walker
Regula	Smith, Iowa	Walsh
Reuss	Smith, Nebr.	Wampler
Rhodes	Snyder	Watkins
Rinaldo	Solarz	Whalen
Risenhoover	Spellman	White
Roberts	Spence	Whitehurst
Robinson	Staggers	Whitley
Roe	St Germain	Wiggins
Rogers	Stangeland	Winn
Roncalio	Stanton	Wirth
Rooney	Steed	Wolff
Rose	Steers	Wright
Rostenkowski	Steiger	Wylie
Rousselot	Stratton	Yatron
Rudd	Symms	Young, Fla.
Russo	Taylor	Young, Mo.
Sarasin	Thone	Zablocki
Satterfield	Thornton	Zeferetti
Sawyer	Traxler	
Scheuer	Treen	

NAYS—43

Bedell	Glickman	Moffett
Bonior	Gonzalez	Moss
Brodhead	Harrington	Nolan
Brown, Calif.	Holtzman	Obey
Burton, John	Jeffords	Ottinger
Burton, Phillip	Johnson, Colo.	Pattison
Cavanaugh	Kastenmeier	Rangel
Chisholm	Kostmayer	Richmond
Clay	Lundine	Stark
Downey	Maguire	Thompson
Drinan	Markey	Weaver
Edgar	Metcalfe	Weiss
Evans, Colo.	Mikva	Yates
Garcia	Miller, Calif.	
Giaimo	Mitchell, Md.	

ANSWERED "PRESENT"—5

Ruppe	Seiberling	Studds
Schroeder	Skubitz	

NOT VOTING—63

Alexander	Gibbons	Roybal
Allen	Hannaford	Runnels
Applegate	Holland	Ryan
Baucus	Howard	Santini
Beilenson	Hubbard	Simon
Burke, Calif.	Hyde	Stockman
Carney	Jenrette	Stokes
Chappell	Krueger	Stump
Cochran	McCloskey	Teague
Collins, Ill.	McKinney	Tsongas
Conyers	Minish	Tucker
Cotter	Mollohan	Vander Jagt
Danielson	Montgomery	Vanik
Dellums	Murphy, N.Y.	Waxman
Dent	Oakar	Whitten
Dornan	Patten	Wilson, Bob
Duncan, Oreg.	Pike	Wilson, C. H.
Eilberg	Pressler	Wilson, Tex.
Florio	Quie	Wydler
Flowers	Rodino	Young, Alaska
Flynt	Rosenthal	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Eilberg for, with Mrs. Burke of California against.

Mr. Carney for, with Mr. Dellums against.

Mr. Jenrette for, with Mr. Conyers against.

Mr. Cotter for, with Mr. Stokes against.

Until further notice:

Mr. Howard with Mr. Pike.

Mr. Minish with Mr. Pressler.

Mr. Patten with Mr. Runnels.

Mr. Florio with Mr. Vander Jagt.

Mr. Charles H. Wilson of California with Mr. Allen.

Mr. Waxman with Mr. Holland.

Mr. Murphy of New York with Mrs. Collins of Illinois.

Mr. Rosenthal with Mr. Teague.

Mr. Chappell with Mr. Cochran of Mississippi.

Mr. Baucus with Mr. Duncan of Oregon.

Mr. Applegate with Mr. Krueger.

Mr. Hannaford with Mr. Hubbard.

Ms. Oakar with Mr. McKinney.

Mr. Alexander with Mr. Quie.

Mr. Santini with Mr. Hyde.

Mr. Simon with Mr. McCloskey.

Mr. Roybal with Mr. Stockman.

Mr. Beilenson with Mr. Dornan.

Mr. Danielson with Mr. Stump.

Mr. Mollohan with Mr. Ryan.

Mr. Montgomery with Mr. Tucker.

Mr. Flowers with Mr. Bob Wilson.

Mr. Flynt with Mr. Wydler.

Mr. Tsongas with Mr. Young of Alaska.

Mr. Vanik with Mr. Whitten.

Mr. Gibbons with Mr. Charles Wilson of Texas.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 12240, just passed.

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

There was no objection.

NEW YORK CITY FINANCIAL ASSISTANCE ACT OF 1978

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1206

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12426) to authorize the Secretary of the Treasury to provide financial assistance for the city of New York. After general debate, which shall be confined to the bill and shall continue not to exceed two and one-half hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, and one-half to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. No amendment to title II of the bill, including an amendment in the nature of a substitute which would change title II, shall be in order except amendments recommended by the Committee on Ways and Means, and said amendments shall not be subject to amendment. It shall be in order to consider the amendment recommended by the Committee on Ways and Means now printed in the bill on page 10, lines 12 through 18, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ZABLOCKI). The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield the usual 30 minutes for the minority to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the consideration of H.R. 12426, the New York Financial Assistance Act of 1978. The rule provides for 2½ hours of debate; 2 hours to be controlled by the Committee on Banking, Finance and Urban Affairs; and one-half hour to be controlled by the Committee on Ways and Means. It is a modified open rule which waives points of order under the Budget Act in consideration of title I and makes in order only committee amendments to title II.

A little over 2½ years ago I stood in this well to ask my colleagues to support the New York fiscal aid program which expires this June 30. At that time, I stressed New York's importance as the place where a great portion of our citizens can trace their start in America Immigrants from all over the world answered the call which issues forth from the Statue of Liberty lighting up New York's Harbor. "Give me your tired, your poor, your huddled masses yearning to breathe free" reads the inscription. And so they came, and came, and came. As the teeming millions entered New York that city's heart was always open. This generous city nourished both the soul and the body of its new citizens.

To many people of the world that city—and that generosity—still symbolize what is great about America.

When this House passed legislation to provide New York with seasonal financing assistance it was necessary to base the plea for such an act not only on the symbolic importance, but on the economic consequences as well. Unquestionably a default by New York City, then or now, would have grave consequences for our national economy and the already beleaguered dollar.

Today, we can look at the record of achievement and progress the city has recorded in the last 2½ years.

That record is one of compliance with not only the letter of the law; but the spirit as well.

Since December 1975, the city of New York has repaid all of its Federal loans at or ahead of schedule. In addition to paying the usual borrowing rate the city paid a 1 percent premium for these loans. No foreign country is asked to pay such a premium for money borrowed from the United States. In fact many foreign nations have borrowed money far below the usual rate.

More importantly, the city's reliability has netted the Federal Government a $40 million profit on this one loan program.

I would ask my colleagues what other Government loans provide the taxpayers with such a healthy profit?

Besides paying back its loans the city has tightened its belt. Here are some examples of steps the city has taken to bring its financial house in order:

The city work force has been reduced by 20 percent through layoffs, attrition, and firings of 61,000 employees.

The city has eliminated an operating deficit of $1 billion and has balanced its budget under State law.

In 1975 municipal workers agreed to a 2½-year wage freeze.

Eighteen million dollars has been expended to install a new management information system. The result is that the city's books have been examined by independent outside auditors and found acceptable in accordance with generally accepted accounting principles.

The welfare rolls have been reduced to their lowest level in 8 years.

These are substantial improvements.

The city has instituted tuition at the city university. It has also increased the transit fare by 40 percent.

The result of this intensive effort by city government, labor unions, and concerned citizens is that New York City is on the brink of fiscal self-sufficiency. Having reached this point the city no longer asks for direct loans. New York City can regain its footing through the use of loan guarantees.

Due to the strict language in the bill the possibility of default on these guarantees is negligible. The bill calls for all Federal aid to New York City and State to be held hostage should the city be unable to meet its obligations.

My colleagues should also be aware that the Federal Treasury will continue to profit from this relationship. A guarantee fee of one-half percent of outstanding guarantees will be charged. This fee can be increased at any time by the Secretary of the Treasury.

The precedent for Federal loan guarantees is a clear one.

The Federal Government has guaranteed loans for several cities, territories, and private enterprises in the recent past. Among these are the loan guarantees given to 13 developers of so-called new towns. The Federal Government also guarantees loans for the power authority on Guam and the Virgin Islands. Many of my colleagues will recall that this House supported loan guarantees for the Lockheed Corp. when it was troubled.

The impressive record of achievement by the city and the adequate safeguards against a Federal bailout make this legislation a responsible solution to a most difficult problem.

In 1975 it was thought the action prescribed to the city would result in its ability to reenter the private securities market on its own.

The city took the prescribed actions and then some. At the moment the difficulty is in marketing unguaranteed securities. The Federal guarantees will hasten New York's return to the private credit markets and get the city off the Government's back once and for all.

Therefore, I urge you to pass this resolution providing for the consideration of this bill and then to vote for the bill itself. The bill is not a bailout for New York. It merely gives the city the tools with which to bail itself out. The people of New York and its officials will continue to make sacrifices. With the Federal Government standing behind it the city will survive.

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

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

Mr. ADDABBO. Mr. Speaker, I wish to commend the gentleman from New York (Mr. DELANEY) for his leadership in bringing this rule to the House and for his leadership on behalf of our great New York City.

Mr. Speaker, I rise in support of the rule and New York fiscal aid legislation I would first of all like to thank Chairman HENRY REUSS and Subcommittee Chairman BILL MOOREHEAD, as well as commend the work of the staff of the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs. Their outstanding leadership in getting the bill drafted and to the floor of the House has deserved the gratitude of us all. I commend the gentleman from New York (Mr. DELANEY) for expediting the rule and his leadership.

In the history of the United States, New York has been a vital center of commerce and culture. Ellis Island has become a symbol of America as a land of refuge and opportunity. The words Wall Street are synonymous with American private enterprise. Broadway means American entertainment at its finest.

New York City today is a thriving, vital community of 7½ million people, whose economic health has great effect upon the lives of millions of others—indeed upon the entire country, if not the world. The problems of New York, as well as those of our other great cities, are national in scope. We can no longer afford the provincialism of yesterday which looked upon our great Nation as a conglomeration of bickering separate localities—the separate well-being of one having no effect upon the well-being of another.

If the problems are national in scope, Mr. Speaker, then the solutions must be national, also. I do not mean to imply that New York City is not responsible for the shape of its finances, but great sacrifices have been made by New Yorkers toward a remedying of the situation. Thousands of jobs have been eliminated, the waste in Government is being eliminated, and the deficit has been cut by well more than half. I believe, however, that without Federal assistance, the functioning of vital services in New York City will have to come to a standstill. The people of New York deserve better. In spite of what the movies and television shows depict, the people of New York are honest, hard working, and heavily taxed folk, the type of people who have helped build America and make it great.

And what has Federal assistance cost the American taxpayer thus far? The Treasury has made a profit on its loans. As far as I know, this is about the first time that the United States has actually profited from an assistance effort.

But the returns will be much greater than what is printed on the bottom line. Investors throughout the world will have greater confidence in the notes of our

local governments. New York City, experiencing today a renaissance in banking and culture, will continue to serve her country as the financial, communications, and cultural capital of the world. Let us not dim the lights of the Great White Way.

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

Mr. Speaker, the legislation made in order by this resolution in H.R. 12426, the New York City Financial Assistance Act of 1978, section 402(a) of the Budget Act, which imposes the May 15 reporting deadline, is waived. It is my understanding, however, that a floor amendment will be offered to cure the Budget Act violation.

Since two committees were involved in writing the bill, the Committees on Banking, Finance and Urban Affairs, and Ways and Means, 2½ hours of debate time are allotted. Banking is to receive 2 hours and Ways and Means one-half hour. Title I of the bill is open to all germane amendments, and the entire measure is to be read for amendment by titles instead of by sections. Only Ways and Means Committee amendments are in order to title II, which amendments are not subject to amendment. Finally, the rule makes in order the amendment recommended by the Committee on Ways and Means now printed in the bill on page 10, lines 12 through 18, notwithstanding clause 7, rule XVI (the germaneness rule). This language prohibits New York City obligations from being acquired by the Federal Financing Bank.

Basically, this legislation authorizes a program of Federal guarantees for up to $2 billion of New York City's securities with a maximum maturity of 15 years. It requires the city to submit a plan for bringing its budget into balance, to publish periodic financial reports, and to have annual audits. The Secretary of the Treasury is to administer the Federal responsibilities under the bill and is required to make a determination that there is a reasonable prospect that the guaranteed obligations will be repaid. The General Accounting Office is to conduct audits of the city's finances and report to Congress. The interest earned on federally guaranteed securities is made subject to Federal income taxation, and the Federal Financing Bank is prohibited from purchasing New York City obligations which are guaranteed by the Federal Government.

The committee report states that there are to be no costs other than administrative costs involved with this measure. If New York were to default, however, new budget authority would be required.

Mr. Speaker, there is no question but what this issue is a source of controversy. On the one hand, arguments are made that the entire world is looking to America to see how she handles the potential bankruptcy of her largest city. It is said that should New York fail financially the effects will not be confined to the city, but will spread throughout our Nation and, to an extent, throughout many areas of the world.

On the other hand, there are those who say that New York City has brought its financial troubles on itself by not controlling its labor unions' demands and for a variety of other reasons, such as poor administration. It is also said that the State of New York could absorb the city's problems without any Federal involvement.

Regardless of which side of the argument with which you may subscribe, I am certain we all would agree that New York City has spent beyond its means. It is now imperative that the "Big Apple" come to its senses; face the cold, hard truth that it is just about broke; and deal effectively with its labor and financial management problems immediately.

I reserve the balance of my time.

Mr. Speaker, I yield 15 minutes to the gentleman from Florida (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I heard the acclaim when I approached the well, and I want to thank my colleagues for the eager anticipation with which they waited.

Mr. Speaker, the chairman of Committee on Rules I think said it all. He said that what New York needs is just an opportunity to balance its budget, and I could not agree more. Furthermore, I would not have the audacity to appear here if I had only my opinion in that respect.

Mr. Speaker, the Senate Banking Committee unanimously found that New York City had the resources to finance itself; and I think we ought to give this great city an opportunity to do just that. I think we ought to do this, because if we do not do it, we are going to be waltzing in the same way that we have been waltzing since 1975.

In 1975, the proposition was that for one time and one time only New York needed some help; and if they could get that help, then they would never be back here again. There were all sorts of pledges about how they were going to balance the budget, and now we are getting all sorts of stories about how New York City has sacrificed, how New York City has done everything that was expected and required of them. I think the quote was that they have complied with the letter and the spirit of the law.

One of the things that they were supposed to do was to balance the budget. Well, they did, but it is a kind of a funny balance. They are out about a billion dollars, but other than for that billion dollars, they are balanced. The way New York does this is to get the law changed so that, although the books are not balanced in the real world, in New York they are balanced. So, they can have a balanced set of books with a deficiency of a billion dollars.

Now, some of the other things that New York has done to sacrifice—and I want all the Members to know what a really great job the leadership in New York has done—between 1975, when we bailed them out the last time—for the last time—they have increased their revenues $1,300 million. They have increased their revenues that much. And, they have reduced their indebtedness $69 million. So, the name of the game in New York is, the way they solve their problem is to heap more misery on the people of New York. If they get any money they spend it not on paying debts or capital improvements they just spend it.

I think that brings us down to the issue we have to face in this Congress. We have to face it in the context of Proposition 13, which is being voted on in California today. The people in New York City live in the richest city in the United States of America. They are the most taxed people in the United States; they are the most burdened with government debt in the United States.

For us to refinance this indebtedness is only going to permit an extension of the bad management that has put New York in the condition it is in. What is required in New York is to quit taxing the people and start reducing the spending, and that will be the only solution for New York.

Now, what I would like to do is to just give a little indication here—let us take the transit system, for instance. The cost of labor since 1968 has increased 124.5 percent. The ridership is down 20 percent, so that 20 percent fewer people in New York are enjoying the benefits of the subway and transit system, and they are paying 125 percent more. While the ridership on the transit system was going down, the number of employees to run the system increased about 3,400. It took about 3,400 more people to run the system when there were fewer people riding the system.

What they have done is, since 1976, they have reduced the 3,400 increase down to just about 400, so they only have about 400 more there now than they did in 1968. But, do you know what? The labor costs have continued to go up anyway. This was the case even during the time the number of employees was reduced by 3,000 in little more than a year.

So, this has been the kind of sacrifice that New York has made. We have had a lot of talk about how they have reduced the number of hospital beds. They have. New York City had about 12,000 hospital beds that were controlled and operated by the city. They have reduced that about 1,000. Most cities do not have any hospital beds. These are operated at a deficit, and this is the kind of operation that has caused New York to be in the condition it is in.

I want to mention just one other thing. There has been much talk about how they have reduced the labor force 61,000. They actually and literally laid off 61,000 of the work force of New York City, and they did this in order to sacrifice, to have an austere government in existence in New York City. But, what did they do? They reduced the cost of that work force by only 1 percent, and before someone says, "No, it was 5 percent," all I have to say is that in New York you can choose any set of books you want. The one I am going with is the one that said they have reduced it just 1 percent.

Pretty clearly what happened was this. They continued to pay wage increases during a wage freeze. They paid more overtime so that the cost of operating was reduced only 1 percent, although they laid off 61,000 people.

The cost of this little maneuver has

not been calculated yet for this reason. Much of that additional money went for overtime. The work rules in New York City provides that overtime can be included and calculated in the retirement pay, and the New York City taxpayers are going to be paying for these bloated retirements predicated upon the overtime that was incurred during the time that they were economizing.

I think pretty clearly that this indicates New York has no intention under the present administration or the past administration to do anything except to bankrupt the town, and for this Congress to finance them certainly makes no kind of sense.

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

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

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

Mr. Speaker, I enjoyed the discussion of both the gentleman in the well and the chairman of the Rules Committee, the gentleman from New York (Mr. DELANEY). I have only one question: Is the gentleman for or against the rule?

Mr. KELLY. Am I for or against the rule? I think it is a very good rule and I intend to vote for it.

Mr. KETCHUM. I thank the gentleman.

Mr. KELLY. Mr. Speaker, I stand in opposition to H.R. 12426, the second New York bailout bill, because it is bad medicine for New York City's ills, and against the best interests of the residents of that beleaguered city and the Nation's taxpayers who will be called upon to foot the bill should the new financing schemes fail.

The bill and its creators have adopted the premise that the root of New York's problem is lack of adequate financing caused by loss of investor confidence. The implication is that this loss of confidence is, somehow, unwarranted in the present "improved" condition of New York.

In reality, the exact opposite is true. Excessive spending and borrowing is what caused New York's fiscal problems to begin with, and refinancing by means of Federal guarantees will prolong the agony without contributing to the solution in any way. And using the Federal Government as a financing crutch certainly is not likely to improve investor confidence by any measure.

What makes bondholders happy, and what I would have liked to have seen happen in New York City over the 3-year period when the Federal seasonal loans to New York City were in effect, was a return to fiscal sanity.

In the real world this would have included genuine cuts in spending to reflect the city's ability to pay for services, management, and productivity improvements in all city departments, and an increased capacity by municipal workers (the highest compensated in the Nation) to comprehend that their city was fighting for its life and could not continue wage policies of the free-spending past.

In the past, when confronted with the illogic of their position and unable to make a well-founded answer, the New York interests have fallen back on a sham tactic and called me the Congressman from Disney World, because that fine diversion is in my district. It is an association I am proud of.

But let me assure you the real fantasyland is in the financial light-and-shadow show that is New York's politics and bookkeeping.

How else can a town on the verge of bankruptcy afford generous fringe and retirement packages that include 50.7 days paid leave out of a 261-day work year, 35-hour workweek for its employees, and days off for policemen who donate blood.

The city spent millions to install a modernized accounting system, but it still permits wild fluctuations in budgetary data, a factor that investors must also take into account. The system can be manipulated to permit millions of dollars to be "found" when political considerations—such as union wage demands—require it.

New Yorkers elected Mayor Koch on the strength of his promise to be a tough bargainer on the city's behalf. This was an empty promise.

On February 27, 1978, the mayor appeared in Washington with an impressive list of "bargaining demands" of the city of New York. These included approximately $100 million in work rule giveaways—similar to the blooddays provisions. He also stated that—

> There shall be no general wage increase for the period of the agreements, and all current COLA's which terminate at the expiration of existing contracts shall not be continued.

We learned today there has been a wage settlement that will cost approximately $1.1 billion in increases over the next 2 years. Municipal workers will be earning 8 percent more by the end of the 2-year period and will be receiving additional cost-of-living payments.

Mayor Koch totally abandoned his demands for "givebacks" only a fortnight after asserting in a letter to me that—

> Givebacks are an important component of the City's package. They are considered essential not only to help fund the offer, but also to recapture excesses of the past. This is something I believe the public demands.

So much for hard bargaining.

Municipal unions, numbering in excess of 200,000 members, exceed the population of the average American city. A capitulation to their demands spells defeat for any reasonable efforts to bring solvency to New York City.

Federal assistance will only strengthen the death grip of the unions over the city and its tax abused residents. It will trigger similar demands by other communities that have been profilgate.

The practices that pushed New York City over the fiscal brink continue and the politicians are unwilling to face reality and make the hard decisions to help the city mend itself. The track record since 1975 is one of token gestures and cosmetic reforms that yielded high publicity dividends but accomplished little or nothing in terms of actual cost savings.

The highly acclaimed layoffs of 61,000 employees (20 to 28 percent of the workforce, depending on whose figures are used) resulted in negligible cost reductions of 1 to 5 percent due to higher overtime costs.

The people of New York City had their subway fares hiked by 45 percent. But no effort was made to curb transit labor costs which rose 124.5 percent since 1968, at a time when ridership declined by 20 percent. In fact, while municipal workers were technically "frozen" during the past 3 years, transit workers salaries increased by a total of 16.6 percent.

The Senate Banking Committee saw through this charade and issued a report in February in support of the proposition that New York City can meet its basic financing needs, both long- and short-term, from sources available in the city, in New York State, the banking community and the city and State pension funds. I strongly support this position and wish to underscore the belief expressed by this panel that New York City should remove itself from dependency on the Federal Government.

I sit on committees with jurisdiction over rural and densely populated areas. If Federal guarantees are issued to New York City, then every community in the country, large and small, will be clamoring for equal treatment.

Worst of all, by subsidizing New York's past and present excesses, we will not be helping the people of New York.

They have been pauperized by excessive taxes, the highest debt levels on record and outlandish municipal wage policies. By bailing out New York the second "last" time we will be institutionalizing these bad policies and setting up a role model for other communities.

We have all been subjected to long lists of city "accomplishments" and revolving door budgetary statistics, all aimed at selling Congress on the notion that, New York City is somehow special, different from other cities and, therefore, deserving of becoming the national taxpayers' albatross.

But the contradictions are too numerous and the inescapable conclusion remains that New York City has done nothing of substance to help itself.

It has done nothing to reduce spending. Its current expense budget is 20 percent higher than it was in 1975.

Its debt reduction is virtually at a standstill.

Salary packages are at their highest levels and the unions are demanding more.

New York City outspends the average American city by 46.5 percent per capita. New York's annual per capita expenditures are $1,716.52, compared with $1,236 for Baltimore; $599.93 for Philadelphia; $450.29 for Detroit; and $265.78 for Dallas. New York City's per capita tax burden of $1,186, and per capita long-term debt of $1,520.41 are also the highest.

Pleading a heart of gold, New York pays the highest average welfare payments to its poor without improving their conditions. Only jobs can do that. But jobs have fled the city because of high taxes, crime, and bad schools.

Reports by the State comptroller general complain about widespread lack of productivity among various city departments. These conditions cost the city millions.

Mayor Beame's blue-ribbon temporary commission on city finances found that rent control and stabilization destroy the city's tax base and contribute to further deterioration of the city's housing stock. Other experts agree. They recommend ending the controls to stabilize the tax base and bring investors back to the city. But Mayor Koch bows to a large tenant constituency and favors maintaining rent controls.

The bill we are considering is bad because it encourages New York City to perpetuate harmful practices without regard for the long-term health of the city. It establishes a bad precedent for other cities.

We were told that New York City would have a balanced budget when we approved the first "last and only" bailout of New York. What we got was a "legally" balanced budget that hid continuing operating expenses in the capital budget. Now we are told we will have to wait another 3 years for a truly balanced budget.

We may never see one, however, if budget estimates continue to treat as an accomplished fact unrealized developments on the State and Federal level: Federal welfare reform; State assumption of more welfare costs; revision of revenue sharing to give the city more money; and passage of the urban aid package, to name a few.

While some of these measures may come to pass, they constitute a shaky foundation for budget estimates.

The bill requires New York City to operate on a balanced budget. But it has no provisions to bring that about. It provides no sanctions if the politicians fail.

New York is distressed, because it spends beyond its means. But the bill does not demand a reduction in spending.

The House Banking Committee rejected my amendments to require the city to reduce its spending by a total of 5 percent by 1982; and a provision for Federal aid to the city only until New York State could make constitutional provision for taking up its share of the burden. I plan to offer these amendments on the House floor.

Given the recommendations of the Senate Banking Committee, and overwhelming evidence that New York City has done little to show self-discipline, it is not in the best interests of New York City or the American taxpayers for Congress to adopt this bill.

If we refinance New York "for the last time one more time" we will give the city officials the means with which to avoid responsibility to the people they represent, and New York City will become a line item on every Federal budget from now on. We will impose a continuing and awesome burden on the people of New York without in any way contributing to a solution to that great city's problems.

The solution is a reduction in spending. If New York reduces its spending, it will not have problems beyond immediate financing, which the Senate panel concluded local authorities can meet.

For the sake of the people of New York City, and those we represent, let us not perpetuate the chaos in New York and risk spreading it to other communities.

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

Mr. LOTT. Mr. Speaker, I have just one request for time, and I yield 2 minutes to the gentleman from New York (Mr. CAPUTO).

Mr. CAPUTO. Mr. Speaker, I have just a technical inquiry. The Budget Act, as the gentleman knows, requires presentation of spending bills prior to the May 15 preceeding the fiscal year in which an appropriation or an outlay might be made. We made fiscal year 1978–79 deadline by virtue of the May 10 submission of the Moorhead bill. But for the period beginning July 1, 1978 and ending September 30, 1978 there is no authority under the Budget Act to make any kind of outlay for New York City direct loans or guaranties.

My understanding—and I think this should be clairified for the record because the creditors are going to be concerned—is that the contemplated use of this legislation, if it passes in this form, is to have the Treasury issue some kind of promise that it will guarantee or make good on any default that might happen between July 1 and September 30, 1978, even though under this version of this rule and the underlying bill there would be no authority to guarantee anything until October 1, 1978.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield to me?

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

Mr. MOORHEAD of Pennsylvania. I propose to offer an amendment which will cure this defect but which will say there can be no guarantees issued until October 1.

I have been advised by both the Treasury Department and the city as well as the State officials that with the legislation in place they will have no difficulty in taking care of the financing in that 90-day period.

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

The previous question was ordered.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 21, not voting 74, as follows:

[Roll No. 420]

YEAS—339

Abdnor	Annunzio	Bedell
Addabbo	Armstrong	Benjamin
Akaka	Ashley	Bennett
Ambro	Aspin	Bevill
Ammerman	AuCoin	Biaggi
Anderson, Calif.	Badham	Bingham
	Bafalis	Blanchard
Anderson, Ill.	Baldus	Blouin
Andrews, N.C.	Barnard	Boggs
Andrews, N. Dak.	Beard, R.I.	Boland
	Beard, Tenn.	Bolling
Bonior	Guyer	Myers, Gary
Bonker	Hagedorn	Myers, John
Bowen	Hall	Myers, Michael
Brademas	Hamilton	Natcher
Breaux	Hammer-schmidt	Neal
Breckinridge		Nedzi
Brinkley	Hanley	Nichols
Brodhead	Harkin	Nolan
Brooks	Harrington	Nowak
Broomfield	Harsha	Oberstar
Brown, Mich.	Hawkins	Obey
Brown, Ohio	Heckler	O'Brien
Broyhill	Hefner	Ottinger
Buchanan	Hightower	Panetta
Burgener	Hillis	Patterson
Burke, Fla.	Hollenbeck	Pattison
Burke, Mass.	Holt	Pease
Burlison, Mo.	Holtzman	Pepper
Burton, John	Horton	Perkins
Burton, Phillip	Huckaby	Pettis
Butler	Hughes	Pickle
Byron	Ichord	Preyer
Caputo	Ireland	Price
Carr	Jacobs	Pritchard
Carter	Jeffords	Pursell
Cavanaugh	Jenkins	Quayle
Cederberg	Johnson, Calif.	Quillen
Chisholm	Jones, N.C.	Rahall
Clausen, Don H.	Jones, Okla.	Railsback
	Jones, Tenn.	Rangel
Clay	Jordan	Reuss
Cleveland	Kasten	Rhodes
Cohen	Kastenmeier	Richmond
Coleman	Kazen	Rinaldo
Collins, Ill.	Kelly	Risenhoover
Conable	Kemp	Robinson
Conte	Ketchum	Roe
Corcoran	Keys	Rogers
Corman	Kildee	Rooney
Cornell	Kindness	Rose
Cornwell	Kostmayer	Rostenkowski
Coughlin	Krebs	Rousselot
D'Amours	LaFalce	Ruppe
Daniel, Dan	Lagomarsino	Russo
Daniel, R. W.	Latta	Sarasin
Davis	Leach	Satterfield
de la Garza	Lederer	Sawyer
Delaney	Le Fante	Scheuer
Derrick	Leggett	Schroeder
Derwinski	Lehman	Schulze
Dickinson	Lent	Sebelius
Dicks	Levitas	Seiberling
Diggs	Livingston	Sharp
Dingell	Lloyd, Calif.	Shipley
Dodd	Lloyd, Tenn.	Shuster
Downey	Long, La.	Sikes
Drinan	Long, Md.	Sisk
Duncan, Tenn.	Lott	Skelton
Early	Lujan	Skubitz
Eckhardt	Luken	Slack
Edgar	Lundine	Smith, Iowa
Edwards, Ala.	McClory	Smith, Nebr.
Edwards, Calif.	McCormack	Solarz
Emery	McDade	Spence
English	McEwen	Staggers
Erlenborn	McFall	St Germain
Ertel	McHugh	Stangeland
Evans, Del.	McKay	Stanton
Evans, Ga.	Madigan	Stark
Evans, Ind.	Maguire	Steed
Fary	Mahon	Steers
Fascell	Mann	Steiger
Fenwick	Markey	Stratton
Fish	Marks	Studds
Fisher	Marriott	Taylor
Fithian	Martin	Thompson
Flippo	Mathis	Thone
Flood	Mattox	Thornton
Foley	Mazzoli	Traxler
Ford, Mich.	Meeds	Treen
Ford, Tenn.	Metcalfe	Trible
Forsythe	Meyner	Udall
Fountain	Michel	Van Deerlin
Fowler	Mikulski	Vento
Frenzel	Mikva	Volkmer
Fuqua	Miller, Calif.	Waggonner
Garcia	Miller, Ohio	Walker
Gaydos	Mineta	Walsh
Gephardt	Mitchell, Md.	Wampler
Giaimo	Mitchell, N.Y.	Watkins
Gilman	Moakley	Weaver
Ginn	Moffett	Weiss
Glickman	Moore	Whalen
Goldwater	Moorhead, Calif.	White
Gonzalez		Whitehurst
Goodling	Moorhead, Pa.	Whitley
Gore	Moss	Wiggins
Gradison	Mottl	Wilson, Tex.
Grassley	Murphy, Ill.	Winn
Green	Murphy, Pa.	Wirth
Gudger	Murtha	Wolff

Wright	Yatron	Zablocki
Wylie	Young, Fla.	Zeferetti
Yates	Young, Mo.	

NAYS—21

Archer	Cunningham	Marlenee
Ashbrook	Devine	Poage
Bauman	Edwards, Okla.	Regula
Burleson, Tex.	Frey	Roberts
Clawson, Del	Gammage	Rudd
Collins, Tex.	Hansen	Snyder
Crane	McDonald	Symms

NOT VOTING—74

Alexander	Hannaford	Rosenthal
Allen	Harris	Roybal
Applegate	Heftel	Runnels
Baucus	Holland	Ryan
Bellenson	Howard	Santini
Brown, Calif.	Hubbard	Simon
Burke, Calif.	Hyde	Spellman
Carney	Jenrette	Stockman
Chappell	Johnson, Colo.	Stokes
Cochran	Krueger	Stump
Conyers	McCloskey	Teague
Cotter	McKinney	Tsongas
Danielson	Milford	Tucker
Dellums	Minish	Ullman
Dent	Mollohan	Vander Jagt
Dornan	Montgomery	Vanik
Duncan, Oreg.	Murphy, N.Y.	Walgren
Eilberg	Nix	Waxman
Evans, Colo.	Oakar	Whitten
Findley	Patten	Wilson, Bob
Florio	Pike	Wilson, C. H.
Flowers	Pressler	Wydler
Flynt	Quie	Young, Alaska
Fraser	Rodino	Young, Tex.
Gibbons	Roncalio	

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Allen.
Mr. Rosenthal with Mr. Milford.
Mr. Cotter with Mr. Runnels.
Mr. Carney with Mr. Alexander.
Mr. Danielson with Mr. Mollohan.
Mr. Jenrette with Mr. Dent.
Mr. Gibbons with Mr. Nix.
Mr. Hannaford with Ms. Oakar.
Mr. Florio with Mr. Krueger.
Mr. Minish with Mr. Teague.
Mr. Patten with Mr. Pike.
Mr. Flowers with Mr. Duncan of Oregon.
Mr. Santini with Mr. Stump.
Mrs. Spellman with Mr. Harris.
Mr. Waxman with Mr. Montgomery.
Mr. Charles H. Wilson of California with Mr. Tucker.
Mr. Stokes with Mr. Roybal.
Mr. Dellums with Mr. Walgren.
Mr. Conyers with Mr. Holland.
Mr. Howard with Mr. Cochran of Mississippi.
Mr. Heftel with Mr. Roncalio.
Mr. Fraser with Mr. Whitten.
Mr. Flynt with Mr. Young of Alaska.
Mr. Eilberg with Mr. Hubbard.
Mr. Evans of Colorado with Mr. Dornan.
Mr. Ullman with Mr. Vander Jagt.
Mr. Vanik with Mr. Wydler.
Mr. Tsongas with Mr. Quie.
Mr. Simon with Mr. Pressler.
Mr. Ryan with Mr. Bob Wilson.
Mr. Chappell with Mr. McCloskey.
Mrs. Burke of California with Mr. Hyde.
Mr. Bellenson with Mr. Findley.
Mr. Baucus with Mr. Stockman.
Mr. Brown of California with Mr. Johnson of Colorado.
Mr. Applegate with Mr. McKinney.

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WATER POLICY INITIATIVES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95-347.)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

I am today sending to Congress water policy initiatives designed to:

—improve planning and efficient management of Federal water resource programs to prevent waste and to permit necessary water projects which are cost-effective, safe and environmentally sound to move forward expeditiously;
—provide a new, national emphasis on water conservation;
—enhance Federal-State cooperation and improved State water resources planning; and
—increase attention to environmental quality.

None of the initiatives would impose any new federal regulatory program for water management.

Last year, I directed the Water Resources Council, the Office of Management and Budget and the Council on Environmental Quality, under the chairmanship of Secretary Cecil Andrus, to make a comprehensive review of Federal water policy and to recommend proposed reforms.

This new water policy results from their review, the study of water policy ordered by the Congress in Section 80 of the Water Resources Planning Act of 1974 and our extensive consultations with members of Congress, State, county, city and other local officials and the public.

Water is an essential resource, and over the years, the programs of the Bureau of Reclamation, the Corps of Engineers, the Soil Conservation Service and the Tennessee Valley Authority have helped permit a dramatic improvement in American agriculture, have provided irrigation water essential to the development of the West, and have developed community flood protection, electric power, navigation and recreation throughout the Nation.

I ordered this review of water policies and programs because of my concern that while Federal water resources programs have been of great benefit to our Nation, they are today plagued with problems and inefficiencies. In the course of this water policy review we found that:

—Twenty-five separate Federal agencies spend more than $10 billion per year on water resources projects and related programs.
—These projects often are planned without a uniform, standard basis for estimating benefits and costs.
—States are primarily responsible for water policy within their boundaries, yet are not integrally involved in setting priorities and sharing in Federal project planning and funding.
—There is a $34 billion backlog of authorized or uncompleted projects.
—Some water projects are unsafe or environmentally unwise and have caused losses of natural streams and rivers, fish and wildlife habitat and recreational opportunities.

The study also found that water conservation has not been addressed at a national level even though we have pressing water supply problems. Of 106 watershed subregions in the country, 21 already have severe water shortages. By the year 2000 this number could increase to 39 subregions. The Nation's cities are also beginning to experience water shortage problems which can only be solved at very high cost. In some areas, precious groundwater supplies are also being depleted at a faster rate than they are replenished. In many cases an effective water conservation program could play a key role in alleviating these problems.

These water policy initiatives will make the Federal government's water programs more efficient and responsive in meeting the Nation's water-related needs. They are designed to build on fundamentally sound statutes and on the Principles and Standards which govern the planning and development of Federal water projects, and also to enhance the role of the States, where the primary responsibilities for water policy must lie. For the first time, the Federal government will work with State and local governments and exert needed national leadership in the effort to conserve water. Above all, these policy reforms will encourage water projects which are economically and environmentally sound and will avoid projects which are wasteful or which benefit a few at the expense of many.

Across the Nation there is remarkable diversity in the role water plays. Over most of the West, water is scarce and must be managed carefully—and detailed traditions and laws have grown up to govern the use of water. In other parts of the country, flooding is more of a problem than drought, and in many areas, plentiful water resources have offered opportunities for hydroelectric power and navigation. In the urban areas of our Nation, water supply systems are the major concern—particularly where antiquated systems need rehabilitation in order to conserve water and assure continued economic growth.

Everywhere, water is fundamental to environmental quality. Clean drinking water, recreation, wildlife and beautiful natural areas depend on protection of our water resources.

Given this diversity, Federal water policy cannot attempt to prescribe water use patterns for the country. Nor should the Federal government preempt the primary responsibility of the States for water management and allocation. For those reasons, these water policy reforms will *not* preempt State or local water responsibilities. Yet water policy is an important national concern, and the Federal government has major responsibil-

ities to exercise leadership, to protect the environment and to develop and maintain hydroelectric power, irrigated agriculture, flood control and navigation.

The primary focus of the proposals is on the water resources programs of the Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service and the Tennessee Valley Authority, where annual water program budgets total approximately $3.75 billion. These agencies perform the Federal government's water resource development programs. In addition, a number of Federal agencies with water-related responsibilities will be affected by this water policy.

I am charging Secretary Andrus with the lead responsibility to see that these initiatives are carried out promptly and fully. With the assisstance of the Office of Management and Budget and the Council on Environmental Quality, he will be responsible for working with the other Federal agencies, the Congress, State and local governments and the public to assure proper implementation of this policy and to make appropriate recommendations for reform in the future.

SPECIFIC INITIATIVES IMPROVING FEDERAL WATER RESOURCE PROGRAMS

The Federal government has played a vital role in developing the water resources of the United States. It is essential that Federal water programs be updated and better coordinated if they are to continue to serve the nation in the best way possible. The reforms I am proposing are designed to modernize and improve the coordination of Federal water programs. In addition, in a few days, I will also be sending to the Congress a Budget amendment proposing funding for a number of new water project construction and planning starts. These projects meet the criteria I am announcing today. This is the first time the Executive Branch has proposed new water project starts since Fiscal Year 1975, four years ago.

The actions I am taking include:

A directive to the Water Resources Council to improve the implementation of the Principles and Standards governing the planning of Federal water projects. The basic planning objectives of the Principles and Standards—national economic development and environmental quality—should be retained and given equal emphasis. In addition, the implementation of the Principles and Standards should be improved by:

—adding water conservation as a specific component of both the economic and environmental objectives;

—requiring the explicit formulation and consideration of a primarily non-structural plan as one alternative whenever structural water projects or programs are planned;

—instituting consistent, specific procedures for calculating benefits and costs in compliance with the Principles and Standards and other applicable planning and evaluation requirements. Benefit-cost analyses have not been uniformly applied by Federal agencies, and in some cases benefits have been improperly recognized, "double-counted" or included when inconsistent with federal policy or sound economic rationale. I am directing the Water Resources Council to prepare within 12 months a manual which ensures that benefits and costs are calculated using the best techniques and provides for consistent application of the Principles and Standards and other requirements;

—ensuring that water projects have been planned in accordance with the Principles and Standards and other planning requirements by creating, by Executive Order, a project review function located in the Water Resources Council. A professional staff will ensure an impartial review of pre-construction project plans for their consistency with established planning and benefit-cost analysis procedures and applicable requirements. They will report on compliance with these requirements to agency heads, who will include their report, together with the agency recommendations, to the Office of Management and Budget. Project reviews will be completed within 60 days, before the Cabinet officer makes his or her Budget request for the coming fiscal year. Responsibility will rest with the Cabinet officer for Budget requests to the Office of Management and Budget, but timely independent review will be provided. This review must be completed within the same budget cycle in which the Cabinet Officer intends to make Budget requests so that the process results in no delay.

—The manual, the Principles and Standards requirements and the independent review process will apply to all authorized projects (and separable project features) not yet under construction.

Establishment of the following criteria for setting priorities each year among the water projects eligible for funding or authorization, which will form the basis of my decisions on specific water projects:

—Projects should have net national economic benefits unless there are environmental benefits which clearly more than compensate for any economic deficit. Net adverse environmental consequences should be significantly outweighed by economic benefits. Generally, projects with higher benefit/cost ratios and fewer adverse environmental consequences will be given priority within the limits of available funds.

—Projects should have widely distributed benefits.

—Projects should stress water conservation and appropriate non-structural measures.

—Projects should have no significant safety problems involving design, construction or operation.

—There should be evidence of active public support including support by State and local officials.

—Projects will be given expedited consideration where State governments assume a share of costs over and above existing cost-sharing.

—There should be no significant international or inter-governmental problems.

—Where vendible outputs are involved preference should be given to projects which provide for greater recovery of Federal and State costs, consistent with project purposes.

—The project's problem assessment, environmental impacts, costs and benefits should be based on up-to-date conditions (planning should not be obsolete).

—Projects should be in compliance with all relevant environmental statutes.

—Funding for mitigation of fish and wildlife damages should be provided concurrently and proportionately with construction funding.

Preparation of a legislative proposal for improving cost-sharing for water projects. Improved cost-sharing will allow States to participate more actively in project decisions and will remove biases in the existing system against non-structural flood control measures. These changes will help assure project merit. This proposal, based on the study required by Section 80 of P.L. 93–251, has two parts:

—participation of States in the financing of federal water project construction. For project purposes with vendible outputs (such as water supply or hydroelectric power), States would contribute 10% of the costs, proportionate to and phased with federal appropriations. Revenues would be returned to the States proportionate to their contribution. For project purposes without vendible outputs (such as flood control), the State financing share would be 5%. There would be a cap on State participation per project per year of ¼ of 1% of the State's general revenues so that a small State would not be precluded from having a very large project located in it. Where project benefits accrue to more than one State, State contributions would be calculated accordingly, but if a benefiting State did not choose to participate in cost-sharing, its share could be paid by other participating States. This State cost-sharing proposal would apply on a mandatory basis to projects not yet authorized. However, for projects in the authorized backlog, States which voluntarily enter into these cost-sharing arrangements will achieve expedited Executive Branch consideration and priority for project funding, as long as other project planning requirements are met. Soil Conservation Service projects will be completely exempt from this State cost-sharing proposal.

—equalizing cost-sharing for structural and non-structural flood control alternatives. There is existing authority for 80%–20% Federal/non-Federal cost-sharing for non-structural flood control measures (including in-kind contributions such as land and easements). I will begin approving non-structural flood control projects with this funding arrangement and will propose that a

parallel cost-sharing requirement (including in-kind contributions) be enacted for structural flood control measures, which currently have a multiplicity of cost-sharing rules.

Another policy issue raised in Section 80 of P.L. 93–251 is that of the appropriate discount rate for computing the present value of future estimated economic benefits of water projects. After careful consideration of a range of options I have decided that the currently legislated discount rate formula is reasonable, and I am therefore recommending that no change be made in the current formula. Nor will I recommend retroactive changes in the discount rate for currently authorized projects.

WATER CONSERVATION

Managing our vital water resources depends on a balance of supply, demand and wise use. Using water more efficiently is often cheaper and less damaging to the environment than developing additional supplies. While increases in supply will still be necessary, these reforms place emphasis on water conservation and make clear that this is now a national priority.

In addition to adding the consideration of water conservation to the Principles and Standards, the initiatives I am taking include:

Directives to all Federal agencies with programs which affect water supply or consumption to encourage water conservation, including:

—making appropriate community water conservation measures a condition of the water supply and wastewater treatment grant and loan programs of the Environmental Protection Agency, the Department of Agriculture and the Department of Commerce;

—integrating water conservation requirements into the housing assistance programs of the Department of Housing and Urban Development, the Veterans Administration and the Department of Agriculture;

—providing technical assistance to farmers and urban dwellers on how to conserve water through existing programs of the Department of Agriculture, the Department of Interior and the Department of Housing and Urban Development;

—requiring development of water conservation programs as a condition of contracts for storage or delivery of municipal and industrial water supplies from federal projects;

—requiring the General Services Administration, in consultation with affected agencies, to establish water conservation goals and standards in Federal buildings and facilities;

—encouraging water conservation in the agricultural assistance programs of the Department of Agriculture and the Department of Interior which affect water consumption in water-short areas; and

—requesting all Federal agencies to examine their programs and policies so that they can implement appropriate measures to increase water conservation and re-use.

A directive to the Secretary of the Interior to improve the implementation of irrigation repayment and water service contract procedures under existing authorities of the Bureau of Reclamation. The Secretary will:

—require that new and renegotiated contracts include provisions for recalculation and renegotiation of water rates every five years. This will replace the previous practice of 40-year contracts which often do not reflect inflation and thus do not meet the beneficiaries' repayment obligations;

—under existing authority add provisions to recover operation and maintenance costs when existing contracts are renegotiated, or earlier where existing contracts have adjustment clauses;

—more precisely calculate and implement the "ability to pay" provision in existing law which governs recovery of a portion of project capital costs.

Preparation of legislation to allow States the option of requiring higher prices for municipal and industrial water supplies from Federal projects in order to promote conservation, provided that State revenues in excess of Federal costs would be returned to municipalities or other public water supply entities for use in water conservation or rehabilitation of water supply systems.

FEDERAL-STATE COOPERATION

States must be the focal point for water resource management. The water reforms are based on this guiding principle. Therefore, I am taking several initiatives to strengthen Federal-State relations in the water policy area and to develop a new, creative partnership. In addition to proposing that States increase their roles and responsibilities in water resources development through cost-sharing, the actions I am taking include:

Proposing a substantial increase from $3 million to $25 million annually in the funding of State water planning under the existing 50%–50% matching program administered by the Water Resources Council. State water planning would integrate water management and implementation programs which emphasize water conservation and which are tailored to each State's needs including assessment of water delivery system rehabilitation needs and development of programs to protect and manage groundwater and instream flows.

Preparation of legislation to provide $25 million annually in 50%–50% matching grant assistance to States to implement water conservation technical assistance programs. These funds could be passed through to counties and cities for use in urban or rural water conservation programs. This program will be administered by the Water Resources Council in conjunction with matching grants for water resources planning.

Working with Governors to create a Task Force of Federal, State, county, city and other local officials to continue to address water-related problems. The administrative actions and legislative proposals in this Message are designed to initiate sound water management policy at the national level. However, the Federal government must work closely with the States, and with local governments as well, to continue identifying and examining water-related problems and to help implement the initiatives I am announcing today. This Task Force will be a continuing guide as we implement the water policy reforms and will ensure that the State and local role in our Nation's water policy is constant and meaningful.

An instruction to Federal agencies to work promptly and expeditiously to inventory and quantify Federal reserved and Indian water rights. In several areas of the country, States have been unable to allocate water because these rights have not been determined. This quantification effort should focus first on high priority areas, should involve close consultation with the States and water users and should emphasize negotiations rather than litigation wherever possible.

ENVIRONMENTAL PROTECTION

Water is a basic requirement for human survival, is necessary for economic growth and prosperity, and is fundamental to protecting the natural environment. Existing environmental statutes relating to water and water projects generally are adequate, but these laws must be consistently applied and effectively enforced to achieve their purposes. Sensitivity to environmental protection must be an important aspect of all water-related planning and management decisions. I am particularly concerned about the need to improve the protection of instream flows and to evolve careful management of our nation's precious groundwater supplies, which are threatened by depletion and contamination.

My initiatives in this area include the following:

A directive to the Secretary of the Interior and other Federal agency heads to implement vigorously the Fish and Wildlife Coordination Act, the Historic Preservation Act and other environmental statutes. Federal agencies will prepare formal implementing procedures for the Fish and Wildlife Coordination Act and other statutes where appropriate. Affected agencies will prepare reports on compliance with environmental statutes on a project-by-project basis for inclusion in annual submissions to the Office of Management and Budget.

A directive to agency heads requiring them to include designated funds for environmental mitigation in water project appropriation requests to provide for concurrent and proportionate expenditure of mitigation funds. Accelerated implementation of Executive Order No. 11988 on floodplain management. This Order requires agencies to protect floodplains and to reduce risks of flood losses by not conducting, supporting or allowing actions in floodplains unless there are no practicable alternatives. Agency implementation is behind schedule and must be expedited.

A directive to the Secretaries of Army, Commerce, Housing and Urban Development, and Interior to help reduce flood damages through acquisition of flood-

prone land and property, where consistent with primary program purposes.

A directive to the Secretary of Agriculture to encourage more effective soil and water conservation through watershed programs of the Soil Conservation Service by:

—working with the Fish and Wildlife Service to apply fully the recently-adopted stream channel modification guidelines;

—encouraging accelerated land treatment measures prior to funding of structural measures on watershed projects, and making appropriate land treatment measures eligible for Federal cost-sharing;

—establishing periodic post-project monitoring to ensure implementation of land treatment and operation and maintenance activities specified in the work plan and to provide information helpful in improving the design of future projects.

A directive to Federal agency heads to provide increased cooperation with States and leadership in maintaining instream flows and protecting groundwater through joint assessment of needs, increased assistance in the gathering and sharing of data, appropriate design and operation of Federal water facilities, and other means. I also call upon the Governors and the Congress to work with Federal agencies to protect the fish and wildlife and other values associated with adequate instream flows.

New and existing projects should be planned and operated to protect instream flows, consistent with State law and in close consultation with States. Where prior commitments and economic feasibility permit, amendments to authorizing statutes should be sought in order to provide for streamflow maintenance.

CONCLUSION

These initiatives establish the goals and the framework for water policy reform. They do so without impinging on the rights of States and by calling for a closer partnership among the Federal, State, county, city, and other local levels of government. I want to work with the Congress, State and local governments and the public to implement this policy. Together we can protect and manage our nation's water resources, putting water to use for society's benefit, preserving our rivers and streams for future generations of Americans, and averting critical water shortages in the future through adequate supply, conservation and wise planning.

JIMMY CARTER.

THE WHITE HOUSE, *June 6, 1978.*

ROBERT F. KENNEDY

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

Mr. BOLAND. Mr. Speaker, today marks the 10th anniversary of the death of Robert F. Kennedy. For those of us who knew him, the harsh memories of his death, are softened, by the fond memories of his life with us. His public life was devoted to calling attention to the problems that beset our society. He became the champion of those who were too poor or too weak or too young or too old to articulate their own needs and concerns.

Out of the public eye, he was a man of warmth and humor who delighted in the company of his family. He possessed an uncommon kinship with children; they were drawn to him, and at ease with him, in a manner that is foreign to most adults.

David S. Broder, in a column which appeared in the Washington Post on May 31, eloquently captures the spirit of Robert Kennedy. I commend that column to the attention of my colleagues.

Mr. Speaker, the newspaper column is as follows:

RFK: "HE WAS BECOMING SOMEONE VERY SPECIAL"

(By David S. Broder)

It is 10 years ago this week that Robert F. Kennedy died, and the memory of that slim and beguiling man refuses to fade. Countless times these last 10 years I have caught myself thinking, "How Bob Kennedy would have loved this! Wouldn't this infuriate him? Wouldn't that have made him laugh?"

What is it that makes one politician, of the many who have moved across the stage, so cherished? Not the intimacy of the relationship, for it was not of that character in my case. But the sense that he was—or, more accurately, was becoming—someone very special calls him back to mind.

He was the most paradoxical of people. A dannably difficult man to interview—given to long pauses, vacant stares, fingernail-drumming, almost anything but the conventional give-and-take of journalist and public official.

He rebelled against the formal constraints of that stylized transaction, as he did against many other conventions. But in ordinary conversation, he was something else; loose, funny, angry, outrageous and infinitely variable.

His distinguishing quality was his capacity for what can only be called moral outrage. "That is unacceptable," he said of many conditions that most of us accepted as inevitable—so long as we and ours were spared their damage. Poverty, illiteracy, malnutrition, prejudice, crookedness, conniving—all such accepted evils were a personal affront to him.

As his vision widened, from its early concentration on organized crime and labor racketeering to the social problems of this and other lands, his moral energy was not—like most others'—diffused and weakened. It was a weapon he brandished afresh on each occasion, startling a roomful of smug medical students one day, challenging a television panel the next. It was a force he could not discipline—did not want to discipline—and, at times, it drove him to exhaustion and incoherence.

What made him something other than the strident scold he could have been were two other qualities: a love of life, of dogs, children, family, friends and fellow-creatures, and a gift of unforced, self-mocking humor.

On a trip through California in the autumn of 1966 where he was in each succeeding speech, drawing a sharper line between his own growing condemnation of the Vietnam War and the policies of the man who had succeeded his brother as president, the tension within him and in his entourage was reaching the breaking point.

He was in a packed field house at Sacramento State University, the emotion of the student audience at the point of igniting. A young woman rose from the audience, shouting, "Senator, sign my petition, please." She forced her way forward—the audience and the press all expectant.

"What is it?" he asked.

"It's a petition to the Post Office Department to send Christmas packages to the soldiers in Vietnam postage-free," she said.

He signed with a flourish, and in the same instant, said to the crowd, "Another courageous decision." No one else, I think, would have found quite that way to break the tension.

He cared passionately about his family his country and this world—and he was prepared to play his part in the drama of his times, no matter what it might be or what it might cost.

He wrote in the book he published in 1968: "Every generation has its central concern, whether to end war, erase racial injustice, or improve the condition of the working man. Today's young people appear to have chosen for their concern the dignity of the individual human being. They demand a limitation upon excessive power. They demand a political system that preserves the sense of community among men. They demand a government that speaks directly and honestly to its citizens. We can win their commitment only by demonstrating that these goals are possible through personal effort. The possibilities are too great, the stakes too high, to bequeath to the coming generation only the prophetic lament of Tennyson:

> 'Ah, what shall I be at fifty,
> Should nature keept me alive,
> If I find the world so bitter,
> When I am but twenty-five?' "

He was 42 when he died, and his legacy allows no lament.

OUR UNDEREQUIPPED, UNPREPARED NATO FORCES

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

Mr. SEIBERLING. Mr. Speaker, in the Washington Post on Sunday, in the "Outlook" section, there is an article by Arthur T. Hadley, entitled, "Our Underequipped, Unprepared NATO Forces."

It is a very depressing and disturbing article, which indicates that we are grievously behind in both the training and the equipment of our NATO forces in many respects; and it seems to me that it is important to bring this to the attention of all of the Members who are concerned about our defensive posture in NATO.

It seems to me we ought to be focusing more on ways and means of strengthening the conventional weaponry and training of our NATO ground and air forces instead of appropriating huge amounts of money for additional nuclear aircraft carriers and nuclear cruisers that will be virtually useless in a war with the Soviet Union and add virtually nothing to the defensive capabilities of NATO.

Mr. Speaker, I incude the article with my remarks.

The newspaper article is as follows:

OUR UNDEREQUIPPED, UNPREPARED NATO FORCES

(By Arthur T. Hadley)

The conventional wisdom in Washington is that NATO, outnumbered in tanks and planes by Soviet and Warsaw Pact forces, nonetheless can defend western Europe because of its superiority in electronic warfare, computer-guided weapons and better-

trained personnel. "We need not match the enemy tank for tank," says Defense Secretary Harold Brown. "We retain a qualitative edge."

As a society, the West is far ahead of the Soviet Union in computers and electronics. But in the application of technology to warfare it is the Russians, not the Americans, who have the most sophisticated weapons and communications systems now deployed in Europe. Many of our most modern systems either are still on the drawing boards, don't work as advertised or are so complex that the troops can neither use nor maintain them and the generals don't understand them.

There are three main areas in which NATO must have a "qualitative edge" to offset the Warsaw Pact's numerical advantages: electronic warfare, tanks and guided antitank weapons, and control of the air. In all three areas, the Soviet forces are qualitatively as well as quantitatively ahead. We have been forced back into the world of John Foster Dulles, where we must rely on nuclear weapons to check a Soviet advance into western Europe. But the Soviets now also have quantities of nuclear weapons. So western Europe and even the American heartland are placed in jeopardy from nuclear war because our conventional forces are inadequate for the new electronic precision warfare.

The key to an understanding of the present military balance in Europe lies in the 1973 Middle East war, when Soviet and American weapons were last used against each other in combat. I went to Europe this spring for a month of intensive reporting to see how NATO and the U.S. Army and Air Force were absorbing the lessons of that war. I expected to find new precision-guided weapons being used to hit distant targets, new methods of controlling and massing forces, new systems and tactics for surveying the battlefield so that commanders could locate the enemy and select targets accurately. I found none of this. In fact, I found that the newer weapons and tactics were on the enemy side.

I made few "official visits" to any headquarters. By and large, I traveled along an old-boy network, which has dangers as well as advantages. These were people I had known since they were young majors or captains when I covered the Pentagon during the Korean War, or instructors or cadets at West Point when I lectured there, or officers whom I had met and come to respect in Vietnam. I have taken great care in this article both to protect their identities and to check everything I was told.

OUR VULNERABLE FIST TEAMS

The first area in which NATO has fallen behind is electronic warfare. Electronic warfare (EW for short) includes a variety of weapons and weapons systems. There is radio and radar jamming so that the enemy can't communicate with his units or locate your tanks and planes. There is eavesdropping on enemy radio communications and finding targets by various means. EW also includes our ability to get our own radio messages and other forms of data transmission through so we can control our outnumbered units more efficiently than the Russians control theirs.

In this field of electronic warfare, the experience of the 1973 Yom Kippur war points to a surprising and unpublicized edge for the Russians. Within the first half hour of their attack, the Egyptian forces had stripped the Israelis of virtually all their radar and air-ground communication and most of their long-range ground communication. The Israeli radars and radios either were destroyed by Soviet-made beam-riding missiles or jammed by both ground-based and airborne equipment. After that, the Israeli pilots could not be guided to targets from the ground, or hear the cries of ground commanders for help.

Yet, in spite of the fact that one of the major lessons of the Yom Kippur war is that ground-based radars and ground-to-air communication will not be present, NATO continues to maneuver and plan as if there was no threat from beam-riding missiles or Soviet jammers. Front-line Army and Air Force commanders know this planning is foolish, and it makes them both apprehensive and angry.

The basic unit of U.S. combat communications is the Fire Support Team, or FIST team—six or seven men with special radios deployed at army company level all along the front lines to direct artillery fire, missiles and aircraft at attacking enemy tanks and artillery. Because the radios they use for air-ground communication operate on a unique set of frequencies, the Russians will have an easy time locating them.

"Do you really expect many FIST teams to be alive after the first day?" I asked one officer, walking through his brigade area late at night.

This is a complicated question, he replies. Since our published doctrine calls for the FIST teams to be at the front lines with each infantry and tank company, the Soviets know that by locating our FIST teams they know just where our front is. Indeed, he adds, with our poor communications, the Russians will probably have a better idea of where our front is than we will. (He was not the only commander to say this.) So it is to the Russians' advantage to keep the FIST teams alive and merely jam their radios so they can't communicate. On the other hand, the teams' artillery radios are good enough so that some artillery communications may get through. So it may be to the Russians' advantage to kill FIST teams. He doesn't know which they will do.

At another base in Germany, drinking coffee with a group of Air Force colonels and captains, all of whom have flown over North Vietnam, I ask one, "Colonel, do you expect to be talking to the FIST team after the first half hour?"

"Hadley, I don't expect to be able to talk to my wing man after the first 10 minutes." The other pilots rock back and forth on their chair legs or nod in agreement. They look slightly nervous in talking to a stranger about what they only hash over in secret.

WORDS VERSUS DATA BURSTS

Because the Defense Department has kept quiet about the Soviet lead in jamming equipment and beam-riding missiles, the public is unaware of other areas of Soviet excellence.

For instance, the United States has maintained that the electronic warfare equipment on the Mig-25 flown to Japan by a defecting Soviet pilot in September 1976 was markedly inferior to our own. In fact, its electronic equipment performed better. While its radar uses tubes, not modern transistors, it puts out more power to penetrate enemy jamming than does the radar carried by our fighters. The "black box" used to separate friend from foe was so sophisticated that it stumped our codebreakers. and only after months of work did the Japanese crack its secrets.

Our fighters are still guided to their targets by words over radios: "Two bogies, at 3 o'clock, speed 400 knots, 12 miles." Even the old Soviet equipment used by the Egyptians in 1973 prevented such transmissions. The "inferior" Mig doesn't rely on words from the ground; its information on where to go and what to attack comes in a data burst, brief enough (less than a second) and powerful enough to burn through jamming. The data is displayed on the pilot's windshield: an arrow for the direction to fly, a symbol for the target and numbers for the target's direction and speed. The pilot's acknowledgement of the message is also data-coded.

I ask two senior defense officials whether what I had learned about the Mig from sources in Europe were true. Both will only talk for background. Both squirm in their chairs, lace and unlace their fingers, look at the ceiling. Finally one asks me to keep quiet in the "national interest." The other insists that voice transmission is an advantage since it provides command flexibility and is the American way—even if the voice won't reach the aircraft.

FINDING THE TARGET

Another area in which NATO, with its access to the West's advanced communications industry, should be decisively ahead of the Russians is electronic target location. In fact, we are decisively behind—by "five years," as two generals, one at NATO headquarters, the other at a forward air base, put it.

The Russians have two mobile radio direction-finding units in each division and are about to go to four. These vital pieces of equipment locate the radios being used by enemy headquarters, artillery batteries, or FIST teams, so that fire can be dumped on them. We have none.

The Russians have several mobile radio and radar jamming units with directional antennas in each division. More primitive models of these tied up the Israelis in 1973. We have none.

The Russians have mobile listening stations and have trained their crews in how to distinguish between targets like tank battalions and intelligence sources like brigade headquarters. Our equipment is mostly static and many of its operators understand Vietnamese, not Russian. "I have no one in this headquarters who can tell a tank battalion headquarters from an artillery battery," says a division intelligence officer.

In a maneuver in Texas last summer, the 1st Cavalry Division was loaned special electronic equipment so that it could fight like a Soviet division. Its opponent, the 2nd Armored Division, relied on its regular electronic warfare equipment. The 2nd Armored was wiped out. The journal Military Intelligence drew these conclusions: "The (American) divisional EW equipment was judged, to a large extent, unsuitable for combat. The antennas and vehicles are the wrong type, the system is manpower-intensive, and there is no tactical DF [direction finding]."

When asked about such problems, even on background, senior officials at NATO headquarters and the Pentagon do what I have come to call the "rain dance." They compare the weapon the Russians now have in use in Europe to some American weapon still in the design stage, and the American weapon always beats the Soviet weapon hollow. The trouble is that the American weapons' actual production date is three to five years away, and by then the Soviets may be fielding something better. And many weapons systems when put in the field don't work as well as claimed.

INFRARED AND COMMUNICATIONS

Even when the tools of electronic warfare are available, they are so new and their operations often so complex and expensive to practice that people from privates to generals rarely understand how to employ them.

A division commander lets me interview the four captains who make up his "All Source Intelligence Center." He is proud of the center, which he and his staff perfected to pull together information from radar, scouts, prisoner interrogation, electronic eavesdroping, secret agent reports from higher headquarters, photographic and sensor intelligence, etc. Yet "All Source" is something of an exaggeration, for the center receives no space satellite information,

which is so secret that it is kept from front-line troops.

The captains show me some infrared photos, taken for them by the Air Force on recent maneuvers using a new system called FLIR (for Forward Looking Infra Red) which can pick out parts of a landscape that give out more radiation than others. (A well-known advertisement uses infrared photography to show the difference between a well-insulated house and a poorly insulated one.) The Air Force-Army cooperation is impressive, but it takes 8 hours from the time the request is made until the information comes into the intelligence center. And the information comes in the form of coordinates and data printouts, so that senior commanders, inexperienced with FLIR, cannot judge its reliability.

The day after the data arrive, the pictures themselves come in. That is what the captains have declassified to show me. It all looks something like snow on an old black-and-white TV set. But right in the middle of one photo is this big, luminous square.

"What's that?" asks the colonel, who is monitoring our meeting.

"That's what we've been trying to explain to you, sir. That's your headquarters, hidden inside that farm house. Remember, we told you all those generators in that building would make it stand out."

"No. They must have found out some other way, then took the picture."

The captains and I exchange glances. Later one of them shows me all the infrared strips. Sure enough, in one of them there is this little pinpoint of light, crying, "notice me, notice me," to some specialist. When it was blown up that bright dot revealed the barn and the division headquarters.

Later I ask one of the specialists if he can tell the difference between a tank and a truck. "Oh, yes, and between a tank with its hatches open or closed. Sometimes I can spot the commander's tank and tell if the tanks have been recently refueled."

"People ask you for this information much?"

"No."

And how would he transmit this information to where it is needed if he were asked? The transmission of information about where we and the enemy are is meant to be one of our strengths—a "combat multiplier," to use the jargon of the trade. But the multiplier is working in favor of the Soviets, who, unlike us, use jam-proof data bursts and often maneuver in a jammed environment.

NATO has as its number one scientific priority a highly classified project to develop secure voice communication for commanders. All the scientists I talked to regard this project as a waste of time and money. Voice communication is expensive, difficult to make secure, relatively easy to to jam and takes up a large portion of the radio spectrum. It also relies on language, and there are many languages in NATO. Data is universal, it is transmitted in short bursts that cut through jamming, is so quick that it can't be located by direction finding, and has no voice signature to tell the enemy who is talking to whom.

Yet the senior U.S. commanders both in NATO and the Joint Chiefs have insisted on voice. They claim they want to get the "feel" of their subordinates.

THE CAMOUFLAGED SENSORS

Our problems in electronic warfare extend to the smallest things. Sensors, for instance. Sensors are small tubes, about 3 inches in diameter and a foot long, that are inserted in the ground behind enemy lines by hand or from the air to measure movement, vibrations, sounds and changes in the electromagnetic field, and broadcast this information automatically so that intelligence officers can gain insight into troop movements they cannot see.

Owing to a painful bit of recent history, the air-dropped sensors are disguised as small palm shoots. Neither the Army nor the Air Force has found the money to change this camouflage. Yet surely a Soviet lieutenant attacking through the pines and snows of Germany will at least blink when his eye lights on a group of baby palm trees along his route.

Next, the sensors broadcast over the same frequencies as German taxis and other private radios. This means no one gets a chance to practice with them. Yet emplacing sensors correctly and interpreting their data is a complex and demanding process. Do we really believe we can do these things right without constant practice?

THE TANK GAP

In tanks, NATO is outnumbered, 3 to 1. Here again, the Warsaw Pact forces also have a qualitative edge. Here again, the American forces in NATO are not well enough trained to use effectively the weapons they do have.

In no other area is the rain dance—the technique of comparing drawing-board U.S. weapons to actively used Soviet weapons—as prevalent. The entire military and civilian high command of the Defense Department compares the Soviet T72 tank, which is now in the field, to the U.S. XM1 main battle tank, which will not arrive in NATO until 1982 at the earliest, and whose gun will not have the killing power of the Soviet tank's.

Even the tanks we do have are so complicated that today's volunteer Army does not use them very well. On a recent three-day maneuver, the 3rd Armored Division had mechanical failures on 150 major systems on its tanks, almost one-third of its total. The problem, as a German staff officer put it, is that "today's weapons are too complex for today's soldiers."

The tank now costs three times as much in constant dollars as the World War II fighter plane; it has more complex weapons systems and is harder to maintain. Yet that fighter was commanded by a lieutenant with two years of college or the equivalent; today's tank is commanded by a sergeant who may well not be a high school graduate.

Or, to look at the problem another way, a tank and a helicopter cost about the same and are equally complex. Yet the helicopter is flown by two warrant officers and maintained by a crew headed by a senior sergeant. But the tank is still commanded by a sergeant and maintained by privates.

Turnover is another part of the problem. A high school dropout comes into the Army, matures and develops into a leader and a great tank commander. After three years, or maybe five, he gets a high school diploma and says to the Army, "Thank you for what you have done for me. I'm getting out now, going to college, to make something of myself." Although both the Army and Air Force put heavy pressure on junior officers to talk their men out of leaving the service, the incentives for the ablest to use the GI Bill to go to college are greater than the rewards for staying in.

The results are predictable. In a recent NATO tank crew competition, the best American crews finished last in gunnery behind such minor powers as the Dutch and the Belgians. The Germans point out, and honest American commanders admit, that the level of tank-driving skill in the U.S. Army is so low that tanks don't know how to maneuver individually and can only charge in massed formations. On the tank-firing qualification range—in the battalion I watched, at least half the tanks had major defects—the crew gets a passing score if they identify a pop-up target and shoot at it in 40 seconds. Actually they are allowed about a minute. In the real world you get 10 seconds.

All over NATO, commanders fudge their figures a bit in an effort to make the mating of today's personnel and modern weapons look better than it is. You can't help but recall those Hamlet Evaluation statistics out of Vietnam. For example, a division commander told me proudly, and his battalion commanders confirmed, that his men scored 95 percent hits with the hand-held antiaircraft missile, the infrared-guided Redeye. I found that the reason for the good score was that the target had been slowed down to 60 miles an hour. At speeds closer to that of an attacking aircraft, most soldiers missed the target.

"THAT DRAGON KICKS A BIT"

Another paramount lesson of the Yom Kippur war is the importance of precision-guided infantry antitank weapons, like the Soviet Saggers with which the Egyptian infantry destroyed charging Israeli tanks. The primary U.S. infantry weapon in this field is the wire-guided Dragon. The infantryman has to keep his Dragon sight on the target and the missile will automatically correct its course to make a bull's-eye. I never found a single soldier in NATO who had fired a Dragon, though commanders were always assuring me that most of their men had qualified.

Furthermore, the Dragon has grave problems. It is too heavy to fire standing up, and if it is fired the best way, lying down, its blast burns off the firer's buttocks. Its sight is so delicate that it must be sent to the rear for recalibration every seven days, and there is no device on the weapon to tell the soldier whether the sight needs adjustment.

I watch a test Dragon firing, in which an excellent electronic simulator is used for training. Even with the simulator, everyone has trouble hitting the target. I ask the sergeant training the recruits whether he has ever fired a Dragon. The sergeant, an old-timer, says he hasn't, but he once saw one fired. He was at a special Dragon school and the top man in his class, a Marine captain, got to fire the school's one Dragon. "Did he hit the target?" I asked. "No," says the sergeant in his soft Kentucky twang, the poor fellow didn't. The recuits cluster around listening, leaving their simulator tubes. "He was a big man, sir, real big. But that Dragon kicks a bit. Oh, sir, you should have seen what it done to his neck."

Slightly bigger than the Dragon is the TOW (for tube-launched, optically tracked, wire-guided) antitank missile, which is fired from the M113 infantry carrier or the Cobra helicopter. You can hit a target with a TOW missile, and I found quite a few people who had fired one or even two rounds (supposedly every TOW gunner gets to fire one round every other year.) But the man who fires it is my candidate for the bravest man in the world. He sits on top of the M113 behind a tripod that pops up through the roof. He has to hold his breath as he fires, because the mount is so delicate that his breathing throws the missile off target. The Soviets fire their TOWs from inside their infantry vehicles.

The TOW fired from the Cobra helicopter is one of the most sophisticated antitank weapons actually deployed in NATO. A gunner in the nose of the helicopter works a small joystick about the size of an index finger to keep the crosshairs in a 14-power telescopic sight lined up on the target while the pilot in the rear seat maneuvers the helicopter. It is an accurate and easy-to-handle weapon. Whether the TOW-Cobra system can survive under the massed artillery fire the Soviets employ is a question NATO commanders are loath to face. But then, they have so little else that works.

PRACTICE COSTS MONEY

The pilots flying these Cobras average 110 flying hours a year. According to Air Force fighter pilots and some of their commanders, the men flying NATO's complex speed-of-sound fighter planes like the F4s and F15s average only 115 hours a year. In at least one squadron, cross-wind landings have been forbidden because pilots are not getting

enough flying time. The Pentagon's computers insist that the average front-line pilot is flying 170 hours a year, but, as in Vietnam, I would rather trust the evidence from those on the spot.

Even if the figure is 170 hours, consider that both the federal government and the insurance companies believe that I, who fly a far simpler and slower aircraft here in the United States, need at least 200 hours a year in order not to be a danger to myself.

The low flying time for fighter pilots comes about because the fuel is so expensive and the planes so precious. And since the weapons are also expensive, no one gets to fire them often enough to develop confidence. And the little fixes necessary to mate weapons, men and machines don't get made.

For example, one of the vital precision-guided weapons on which the defense of NATO rests is the air-to-ground killer called the Maverick, a fighter-carried missile with a TV camera in its nose. Once the pilot has locked the missile onto target, the missile follows its own TV picture on down. This is the weapon credited by the Israelis with helping turn the tide of battle once their ground troops had dealt with the Egyptian antiaircraft defenses. But the Israelis found that the missiles, which cost $30,000 apiece were being wasted by knocking out the same tanks again and again, because the TV pictures seen by the pilots could not distinguish between dead and live tanks.

Now a passive infrared device has been added to the Maverick's TV camera to identify live tanks. But it took the 1973 war to lead to this vital fix. The missiles were so expensive that the Air Force had not practiced enough with them to discover the problem. Today, our pilots get to fire one every year on a range in the Iranian desert.

All through NATO, the expense, complexity and lethality of weapons combine to leave weapons unperfected and men untrained in their use. Since intensive jamming would knock out European radios, aircraft radars and TV broadcasts, no one maneuvers in a jammed environment. The Army crews that fire the Chaparral antiaircraft missile get to fire one missile every other year from a base in Crete. And how does a tanker learn to maneuver in a town, when the best maneuver is to blast out part of a building wall and snuggle into the rubble?

The answer to such problems is to make massive use of simulators. That's what U.S. commercial airlines do. And both the British and Germans make more use of simulators that we do. But the Defense Department and Congress have been slow in asking and voting funds for simulators. They tend to ask: "You want weapons or simulators, general?" And the general replies, "Weapons."

WHO WOULD CONTROL THE AIR?

What about the final area of NATO's presumed "qualitative edge": control of the air? Even if our pilots lack flying time and can't talk to the ground, are not both they and their planes far superior to the Russians'?

Again, the lessons of the Arab-Israeli war paint a dark picture. The Israelis found they couldn't get through the barrage of missiles and antiaircraft fire protecting the Egyptian and Syrian forces until their tanks and artillery had knocked out the Soviet antiaircraft missiles and gun radars.

The West Germans, who have been much quicker to adopt the lessons of the Yom Kippur war than we have, are particularly concerned about our unquestioned belief that we are superior in this area. "The Soviets are decisively ahead in the air," said one of the highest officials of the German Defense Ministry.

When Soviet armored divisions attack, they advance under something our pilots call "the bubble." That's a protective covering of SAM6 antiaircraft missiles for high-altitude work and ZU23 self-propelled, four-barrelled antiaircraft guns with their own radar, by far the best antiaircraft guns in the world. There are 140 such weapons in a Soviet armored division. The way our aircraft are supposed to penetrate this "bubble" to get at the tanks is to stay below 200 feet, while the Army fires at the radars and jams them to make a corridor through which the aircraft can fly to hit the enemy tanks and then get back out. But in the real world, the Army doesn't have the jamming equipment and the locators to find the enemy radar. The Army and the Air Force have not practiced the split-second timing necessary in this maneuver.

There are special Air Force squadrons called Wild Weasels that have F4 jets with onboard jamming equipment and computers to throw off enemy guns and missiles. But the Wild Weasels lack effective beam-riding missiles to take out the radars. When questioned about this problem, high defense officials do the rain dance again: "HARM takes care of that." But HARM (for High Speed Anti-Radiation Missile) will not be ready until the early 1980s at best.

Another way to keep our planes alive is to have them stay away from the front lines, and lob their weapons in from low altitudes outside the bubble. The weapons would be laser-guided to their targets by the FIST teams. But the planes don't have the beam-riding bombs and the FIST teams don't have the laser designators.

Many NATO fighter pilots also complain that the Air Force is building the wrong type of fighters. They don't believe that one man can operate all the equipment necessary to stay alive at 200 feet while flying 400 knots in a hostile environment. They contend that the F15 has the space and power to have been a two-pilot aircraft, but that the old fighter types at the top of the service kept it a single-pilot plane. This is a serious charge, vigorously denied by most senior Air Force generals, who insist that the F15 is so fully automated that it is easier to fly than a World War II fighter.

TELLING FRIEND FROM FOE

The final area of air control in which NATO falls apart is called IFF (for identification Friend or Foe). In modern battle all those planes, ours and the enemy's, are going to be mixed together in the air, attacking targets on the ground, often moving at supersonic speeds or within 200 feet of the surface. Helicopters of both sides will be everywhere. Until now, shooting at your own people didn't matter so much because most shots missed. But modern weapons hit the target. Identification is now the ball game.

But in their last two NATO maneuvers, the German air force discovered that its own troops had shot it out of the air after two days. The British Royal Air Force is so short of funds that it has no hope of putting effective IFF equipment on its planes; as a result, the Germans, Americans and even the French have had to quietly insist that if there is a real war the RAF had better stay out of it lest it be shot out of the skies by its allies. Finally, the U.S. medium-range anti-aircraft missile system, the Chaparral, requires a man with field glasses to stand in front of the launcher; after the radar picks out a target, he tries to find it in his glasses and tell if it's friend or foe. That's the way it was done in 1944.

On IFF the Defense Department does the rain dance again and talks about JTIDs (for Joint Tactical Information Distribution System). The concept is brilliant, simple and workable: a network of some 600 radios is linked by computers that shift their frequencies roughly 10 times a second. Each time a radio comes on it fires off a burst of data that says roughly: "Here I am, I am doing this, I will need that." The data bursts are almost impossible to jam, the codes virtually unbreakable.

But JTIDS is already over three years late. It is so far behind schedule because the Navy is holding out for a more complicated model that will also tell where its submarines are, and no one in the Defense Department has the courage to take on the Navy and its friends in Congress.

THE VITAL "TAIL"

Yet suppose all the weapons work. After two days the Russians, East Germans and Czechs have been fought to a virtual standstill in the most deadly conventional warfare in history. What happens on the third day?

The Yom Kippur war proved that in the electronic precision-guided munitions age the losses are horrendous, approaching those of nuclear warfare. NATO war plans call for each American division to fire 5,000 tons of ammunition on the first day, and 3,000 tons a day thereafter. At these rates of fire, artillery gun tubes will last less than a week. But there are not enough trucks or drivers to bring such masses of supplies forward. Nor does NATO have the mechanics to do the repairs. With agony on his face, one officer responsible for this problem tells me he will be 500 rounds short for every gun in his division by the third day.

The fault lies in Washington. No one in the Defense Department will ask Congress for funds for trucks, fork lifts or mechanics. Why? Because those are noncombat troops or "tail." And Congress and President Carter want the military to cut the noncombat "tail" in favor of combat "teeth." But as the teeth get more deadly, you must increase the tail, as both the Israelis and West Germans have done since 1973.

If the lessons of the Yom Kippur war are correct and we lose tanks the way the Israelis did, 300 new tanks are going to have to be brought forward in the first two days for each 360-tank armored division. As a result of the 1973 war, the Germans have vastly increased their forward stocks of new tanks. We have not. Nor do we have the tank carriers and crews to move the new tanks forward. Congress has turned down Defense Department requests for mobile steam cleaners to get the mud off and the charred flesh out of damaged tanks so they can be rebuilt. The Israelis and West Germans now have these. Nor do we have the spray to mask the smell of burned flesh which the Israelis developed so mechanics can work inside damaged tanks.

NATO plans call for M60 tanks, stored in climate-controlled warehouses, to be issued to troops that will be flown in from the States. In recent maneuvers, these tanks worked better than those in daily use. But they are stored on the wrong side of the Rhine, the west bank. Will the bridges they must cross still be intact? And the tanks have no radios; the radios are stored in a warehouse miles away, and they don't fit the tanks without a special bracket that takes two days to make.

Another general tells me about the night sights for his division's machine guns, sights which are so delicate and valuable that they have been kept in those warehouses since their arrival five years ago. He has just checked and found out that the sights don't fit his division's machine guns. He can build several thousand $65 brackets to fit the sights, but he has been told that his division will get new machine guns two years from now. What should he do?

Over and over one finds examples like this. There is a bitter private jest heard throughout NATO that U.S. plans to fight a war in Europe are based on flying imaginary troops in nonexistent planes to airbases that are destroyed at the command of headquarters no longer in action.

The jest has tragic overtones, because neither the qualitative deficiencies nor the

wide gaps in training need occur. The West does have the better technological base. The electronic revolution is more advanced in NATO. But we cannot apply the knowledge and power we have to problems we claim do not exist.

LIBERALS SEEK TO CRIPPLE U.S. SPACE PROGRAM WHILE AMERICA PAYS FOR INDIAN ONE

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

Mr. ASHBROOK. Mr. Speaker, the Carter budget for this year calls for a substantial increase in aid for India. We are to pay that country $220 million this year, up from $182 million last year. In 1974, India showed its idea of spending priorities by exploding an atomic bomb which had cost hundreds of millions of dollars to develop. For all their rhetoric about avoiding nuclear proliferation, it was the liberals' own foreign aid policy which indirectly financed India's development of its own atomic bomb.

Recently, the Indian Republic announced its own space program. The whole package will cost an estimated $500 million between now and 1982. Our taxpayers' gifts to India, thanks to Mr. Carter and his fellow liberals, will assure India of ample funds to support that program.

Last year, the same liberal leadership that pushes through these foreign aid rip-offs came very close to crippling our own space program by junking the Jupiter Orbital Probe (JOP). Had the liberal Democratic leadership succeeded in this attempt to cancel the JOP, a large number of specialists brought together through the years of our space program would have been fired. The team of experts absolutely essential to a successful space program would have been broken up. The liberals, who send billions abroad without batting an eye, said they were doing this to save the budget $150 million over the next few years. That amount is less than a third of the cost of the Indian space program we are indirecly financing.

Fortunately, the House membership of both parties saw through the insanity of junking the JOP. It voted in favor of the JOP by a margin of over two to one, with over 90 percent of the membership present. It was a victory of reason over blind leftist ideology.

The leftist push to cripple our space program was bad enough in itself. But seen in conjunction with indirectly financing an Indian space program costing more than three times as much, it borders on lunacy. This is one more example of the absolutely blind obedience to liberal ideology, the total unconcern with the national interest or even with simple logic, that characterizes so many of the actions of the old line liberal Democratic leadership in this House and in the Carter administration.

NEW YORK CITY

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

Mr. COLLINS of Texas. Mr. Speaker, within the next few days the House of Representatives will once again be called upon to consider additional aid to New York City. When this body approved the original financing package for New York, we were assured that it was a "one time only" bond guarantee, yet New York City is back again begging for more. Their difficulty is that they have failed to recognize and address the real causes of their economic woes.

Large metropolitan areas in many parts of the country have sound financial health and they are attracting business and jobs at an ever increasing rate. Texas alone gained 288,000 jobs over the last 10 years, tops in the Nation.

Because the economic health of New York City is in such direct contrast with its Texas counterparts, I decided to compare various aspects of New York's budget and municipal practices with those of Dallas, Houston, and San Antonio, the three major metropolitan areas of Texas. The results of these startling comparisons underline the waste and extravagance that New York City is asking the rest of the country to finance.

Perhaps the most revealing insight into how New York City has bankrupted itself is to be found in their wage scales and policies for municipal employees. According to figures compiled by the Bureau of the Census, New York has 49 city employees per 1,000 residents as compared with 16 per thousand for Dallas, 12 per thousand for Houston, and 14 per thousand for San Antonio. Compare the facts per 1,000 residents: in New York City, they have 49 whereas in Dallas there are 16. This is three times as many for New York City as are needed.

New York's extravagance does not stop when it comes to paying its army of city employees. As the following comparative chart shows, the average city employee is paid $26,654 per year, with extra benefits being 65 percent of base pay. This ratio of extra benefits to base pay is twice as high as the average of these Texas metropolitan areas.

WAGE COMPARISONS—AVERAGE MUNICIPAL WORKERS

	New York	Dallas	Houston	San Antonio
Base pay	$15,976	$12,252	$11,388	$9,408
Cost-of-living adjustment	294	674	900	433
Total earnings	16,270	12,926	12,288	9,841
Total extra benefits (fringe benefits, retirement benefits, vacation benefits)	10,384	3,798	4,214	3,051
Total labor costs	26,654	16,724	16,502	12,459

	New York	Dallas	Houston	San Antonio
Extra benefits as a percent of base pay	65	31	37	31
Hourly labor costs	$18.13	$9.17	$9.29	$7.05
Hours worked annually	1,470	1,824	1,776	1,768
Days worked annually	210	228	222	221
Total labor costs adjusted for cost-of-living [1]	$21,590	$16,724	$16,502	$12,459

After Cost of Living Adjustment—the average New York City employee makes 22.6 percent more than his Dallas counterpart, 23.6 percent more than his Houston counterpart, and 36.7 percent more than his San Antonio counterpart.

Hourly labor costs adjusted for cost of living

New York	$14.68
Dallas	9.17
Houston	9.29
San Antonio	7.05

After Cost of Living Adjustment—the average New York City employee makes 37.5 percent more than his Dallas counterpart, 36.7 percent more than his Houston counterpart, and 52 percent more than his San Antonio counterpart.

On a yearly basis, after including an adjustment for the difference between the cost of living in Texas and New York City, the average New York City employee makes 29.5 percent more than his Texas counterpart. Since municipal employees in New York only work 35 hours a week and 210 days a year, a more accurate comparison is based on hourly labor costs. The average New York City employee makes 42.1 percent more per hour than the average Texas municipal worker after the cost of living adjustment.

New York City municipal salaries and work hours are enough to make even a Federal bureaucrat turn green with envy. So well taken care of is your average city employee that when salaries were frozen during the height of the last fiscal crisis, their take home pay managed to increase by as much as 19.9 percent as a result of various contract clauses. As another "cost saving measure," the number of full time city employees declined by 61,000 (20.7 percent) between January 1, 1975 and June 30, 1977; yet, total city payroll expenses decreased by less than 1 percent.

With these increases in salary and the city constantly facing the specter of default, New York City workers should be increasing their productivity to meet the challenge. This has not happened. The New York State Comptroller General in a report published on April 8 of this year, notes that in one department alone, the municipal workers are not productive 61 percent of their workdays. The report states that these practices potentially cost the city about $16 million annually in the department alone. Other reports published by the mayor's temporary commission on finances confirm this startling lack of productive effort.

This cavalier attitude when it comes to the taxpayers' money is also reflected in New York City's spending policies for services. For example, a New York welfare family receives average monthly payments of $370 per month as compared with the Texas average of $105.21. When all the other welfare benefits are figured

in, the family can receive an estimated $600 a month.

For education, New York City spends $2,190 per pupil—adjusted for cost of goods—as opposed to Dallas' $1,747, Houston's $1,404, and San Antonio's $1,322. It spends $74.86 per capita for police as opposed to the Texas three-city average of $41.50. New York spends $45 per ton to remove garbage as compared to the Texas average of $15.

High levels of spending, however, are not the same thing as high levels of service. Though New York spends 55 percent more than the Texas cities for police protection, it has 2½ times the amount of violent crime per 100,000 residents. Though the State of New York spends 32 percent more per pupil than does Texas, Texas in 1976 had 39.8 percent more merit scholarship finalists and 59.7 more merit scholarship winners per thousand eligible students.

As the following chart shows, New York City spends almost 5½ times more per capita—after CPI adjustment—than its Texas counterparts.

PER CAPITA COMPARISONS

All city expenditures[2]	$1,390.33	$282.78	$284.86	$218.55	Average tax burden[3]	1,186.00	490.00	431.00	387.00
Total debt	2,080.60	592.77	537.35	566.99	Revenue-sharing dollars received per year	929.22	59.08	51.74	52.23

[1] Cost-of-living adjustment based on the average of 1977 Department of Labor total consumption index estimates for Dallas, Houston, and San Antonio.
[2] Figure adjusted by the total consumption index. Preadjustment figure—$1,716.52.
[3] Includes all State and local taxes. No Federal taxes included.
Source: City Government Finances in 1975–76, Bureau of the Census.

After reviewing New York City's employment practices and per capita expenditures, it is no wonder that their residents are faced with the highest tax burden in the Nation (272 percent higher than the residents of these three Texas cities). It is also no wonder that New York City residents also bear the highest per capita debt load of any major city. Debt service accounts for $1.535 billion in this year's budget alone, yet the city wants to borrow even more.

Many have claimed that one of the major reasons New York City is in financial trouble is because it does not get enough money from the Federal Government. The facts, however, do not bear this out. New York City gets $929.22 per resident per year in revenue sharing dollars. This is the highest in the Nation and 17 times more dollars per capita than Dallas, Houston, and San Antonio receive. New York State receives $1.27 in services for every dollar its residents contribute to the Federal Government. Texans receive only $0.76 for every dollar they contribute.

The main cause, and it is about time the city leadership faced it, of New York City's problems is its constant and excessive overspending. Comparison with the three thriving cities of Dallas, Houston, and San Antonio underline that fact in indelible terms.

These comparisons also underline the fact that if a city (or nation) wants to prosper it will do so only if business and its residents are not excessively burdened by high taxes and too much government. As recently as 1966, there were 198 of the top industrial companies headquartered in New York City, today less than 120 remain. In the last 10 years 600,000 jobs have been lost. New York City is caught in the cycle of a dwindling tax base resulting in higher taxes, resulting in a dwindling tax base. A recent economic study determined that if a businessman invested $1 million in a new business to bring more jobs in New York City, and made a 10 percent, $100,000 profit its first year, it would have only $5,719 dollars left after being soaked for all of the local, State, and Federal taxes in New York City. It should be obvious why industry and jobs are fleeing New York by the hundreds of thousands.

Only by cutting its social services and municipal wages, and reducing its tax burden to a level comparable to prospering areas, like those in Texas, will New York be able to break the cycle. Reducing fringe benefits for New York City municipal workers, for example, from their current 65 percent to the Federal Government's level of 35 percent of base pay would reduce personnel costs by $1.5 billion a year. This alone could be the difference between a billion dollar deficit and a half-billion dollar surplus in this year's budget. The city's leadership, however, refuses to consider such measures and has instead opted for what is in the short run more politically profitable, but in the long run is financial suicide.

There is no justification for the rest of the country to bear the cost of New York City's mismanagement. Until New York shows a willingness to face the causes of its problems, and correct them, Congress should watch, not help. With our own continual deficit spending and resulting inflation, I am wondering just how far behind New York City the Federal Government is.

A TRIBUTE TO SENATOR ROBERT F. KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McHUGH) is recognized for 10 minutes.

● Mr. McHUGH. Mr. Speaker, 10 years have passed since the tragic death of Robert F. Kennedy.

When he died, the people of my State of New York sustained a special loss, for he was our representative in the U.S. Senate. Since he was also an international figure, however, and one constantly involved in great and challenging issues, his loss was felt far beyond the borders of New York.

For those of us who were touched by Robert Kennedy in life, the memory of his untimely death tends to produce a rush of feelings, and a struggle to try to express our thoughts on the meaning of his life and work.

While Robert Kennedy lived, the word "charisma" had come to be used, and was indeed overused, in describing public figures who commanded a following. The word's ancient meanings evoke a sense of reaching out to others and greeting them joyfully, of sweeping them up in one's own enthusiasm for celebrating life and its possibilities. In that sense, Robert Kennedy was one of the few figures in public life of whom that word "charisma" could fairly be used.

He celebrated life, he experienced joy and invited others to share in it. Those are the emotional memories I have of him; yet there is another dimension, too—the sense of urgency he had about him. Wherever there was injustice or people suffered, he took it as a personal matter. He seemed tireless in his efforts to stop or diminish the injustices he saw in the world: the sufferings of the poor, the oppression visited upon the weak by bigotry or greed, the discrimination against minorities.

When he had been Attorney General only 6 weeks, he spent an evening in Harlem talking with street gang members. He was so moved by their feelings of being trapped in violence, poverty, and hopelessness that other meetings followed, resulting in the President's Commission on Juvenile Delinquency and Youth Crime. And later, as a Senator working to restore ghetto neighborhoods, he continued his concern, always trying to seek practical ways of alleviating a problem. There are many examples: youth job programs, prisoners' training and work programs, support for migrant workers seeking fair wages, community restoration.

His brother Edward Kennedy described his efforts with simple eloquence in a eulogy we will always remember:

> A good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

Other people have similar ideals, but it is the rare person who can rally thousands of people to join in his specific efforts. Robert Kennedy was able to do so, perhaps because he was deeply moved by the human condition, and was in turn able to move others.

Those who were present will never forget his visit to an Indian reservation on the very day that a baby died there of starvation. He told friends that when that baby died, a part of him died too. For him, fighting poverty was not an abstract cause. It was suffering people who needed his help and the help of those whom he could inspire to join his efforts.

To inspire people: that was a special talent of his. Because he and his family had suffered, he understood the sufferings of others and knew how to touch their hearts. He could encourage others to try to reach goals and dreams beyond their grasp. His Presidential campaign speeches of 1968 always concluded with the visionary words of George Bernard Shaw:

> Some men see things as they are and ask why; I dream things that never were and ask why not.

In that sense, the most significant impact Robert Kennedy had on his country was on its political life and institutions, specifically on our vision of Government. Many think he could have been elected

President in 1968. We will never know. But his real contribution had nothing to do with this and other goals he was not able to reach.

At a time when America was torn by divisions, domestic violence and failing hope, Robert Kennedy did more than any other public figure to help people believe that the American system could work, that our political process is sound if only we commit ourselves to active participation in it. Those whom he encouraged most in this belief were the seriously disadvantaged in our society, the very ones who were most prone to cynicism.

It is in that sense that he more than fulfilled the challenge of Horace Mann's words: "Be ashamed to die until you have won some victory for humanity."

To countless young people whom he inspired by his example, Robert Kennedy opened the doors to an understanding of politics and public service as an honorable profession, full of opportunities to turn responsibilities into achievements.

I was one of them, Mr. Speaker, and I am proud to honor his memory today.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

● Mr. SARASIN. Mr. Speaker, on June 2, 1978, I was absent for part of the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 404. H.R. 12157: Export-Import Bank.—The House agreed to an amendment that strikes language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country, "Yes".

Mr. Speaker, on June 5, 1978, I was absent from the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 405. H.R. 185: Coast Guard Employees Transportation.—The House passed the measure to amend section 2632 of title 10, United States Code, to provide the Secretary of the department in which the Coast Guard is operating with the authority to transport Coast Guard employees to and from certain places of employment, "Yes";

Rollcall No. 406. H.R. 188: Marine Pollution Protocol.—The House passed the measure, amended, to amend the Intervention on the High Seas Act to implement the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substance Other Than Oil, 1973, "Yes";

Rollcal No. 407. H.R. 12140: Water Pollution Control Authorizations.—The House passed the measure to amend the Federal Water Pollution Control Act to provide additional authorizations for certain operating programs under the Act, "Yes";

Rollcall No. 408. H.R. 12250: Boundary Areas Canoe Area.—The House agreed to the rule (H. Res. 1213) under which the bill was considered, "Yes";

Rollcall No. 409. H.R. 12250. Boundary Areas Canoe Area.—The House agreed to an amendment in the nature of a substitute, as amended by a substitute, that retains most of the provisions of the original bill, but eliminates the recreation area; establishes a mining protection area; and makes certain changes in motorboat use on specified lakes, "Yes";

Rollcall No. 410. H.R. 12250: Boundary Areas Canoe Area.—The House passed the measure to designate the Boundary Waters Canoe Area Wilderness and to establish the Boundary Waters Canoe Area National Recreation Area, "Yes";

Rollcall No. 411. H.R. 12481: Insular Areas Authorization.—The House agreed to the rule (H. Res. 1191) under which the bill was considered, "Yes"; and

Rollcall No. 412. H.R. 12481: Insular Areas Authorization.—The House passed the measure to authorize appropriations for certain insular areas of the United States, "Yes".●

AMENDING U.S. CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

● Mr. BURKE of Florida. Mr. Speaker, today I am introducing a bill which I hope many of my colleagues will cosponsor. This bill will amend title 39 of the United States Code and would authorize the distribution of sample ballot card information and voter instructional material, to registered voters, postage free.

Although there were over 150 million people eligible to vote in the 1976 Presidential election, according to the Census Bureau, the voter turnout rate was lower in the Presidential election of 1976 (59.2 percent) than in 1972 (63 percent). There have been a variety of reasons put forth for this decline in participation, and there have been many solutions proposed ranging from post card voter registration to public campaign financing.

Mr. Speaker, I am sure my colleagues share my concern about the need to improve voter participation in elections. The bill I am introducing today is the brainchild of the supervisor of elections in Broward County, Fla.—Mrs. Jane Carroll. She and other election supervisors throughout the United States feel that some of the voter apathy is due to ignorance about voter procedure and actual questions on the ballot. It is the feeling of Mrs. Carroll and myself that if more people knew beforehand exactly what the official ballot contained they would have more interest in participating. In addition, prior consideration of sample ballots at home, could increase the speed of voters in making selections at the polls and hence reduce long lines at the polling places.

There are many jurisdictions—city, county, and State—which presently prepare and mail sample ballots to the voters a few days in advance of the elections. The problem is the cost is prohibitive. The postage is particularly expensive and with the recent increase in the first-class postage rate from 13 cents to 15 cents the cost of sample ballots increase by a minimum of 2 cents each. If my proposal were enacted, and all 150 million voters received sample ballots the postage alone would be $22,500,000 if the sample ballots were sent by first-class mail. Obviously, the cost of such mailings makes voter education via sample ballots and other mailings prohibitive to small, poor communities. In other words, the people most removed from the election process by education, or economic status, or habit, are being kept ignorant for want of funds to disseminate information about their constitutional right to participate intelligently in choosing public officials to represent them.

My bill would make available to the various election supervisors throughout our country funds for postage to mail sample ballots to registered voters prior to elections. It is my belief that an informed electorate would participate more in the election process and that is my reason for proposing this bill today.●

A YOUNG STUDENT'S BRAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia, Mr. WAMPLER is recognized for 5 minutes.

● Mr. WAMPLER. Mr. Speaker, an incident was recently brought to my attention which I think is deserving of recognition. The bravery exhibited by a young student from my congressional district is rare in one so young, and I know both his family and community are very proud of him.

Kevin Todd Baxter, 8 years old, is a third grade student at Marion Primary School. On October 10, 1977, he was awakened in the early morning hours by unusual noises. Young Kevin somehow realized that his family was in danger, and ran from room to room until he had awakened them all. Becase of this young man's brave actions, the family was able to escape from their home. The house was completely destroyed by fire.

I commend Kevin for this action, and I know the citizens of the Marion, Va. community are proud of him.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN), is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, during a part of the afternoon of Monday, June 5, I was unavoidably absent from the House of Representatives on official business.

Had I been present for the entire session, I would have voted as follows:

Roll No. 408, rule providing for the consideration of H.R. 12250, the Boundary Waters Canoe Area Wilderness bill—"aye."

Roll No. 409, Vento compromise amendment to H.R. 12250—"aye."

Roll No. 410, final passage of H.R. 12250—"aye."

Roll No. 411, rule providing for the consideration of H.R. 12481, Insular Areas Authorization Act—"aye."

Roll No. 412, final passage of H.R. 12481—"aye."

Mr. Speaker, as an early cosponsor of the Boundary Waters Canoe Area bill, I also wish to commend the gentleman from Minnesota (Mr. FRASER) for his outstanding leadership in bringing this legislation through committee and on to the House floor. I also wish to commend the members of the Interior Committee, particularly the gentleman from Cali-

fornia (Mr. PHILLIP BURTON) and the gentleman from Minnesota (Mr. VENTO), for achieving the constructive compromises which enabled yesterday's overwhelming House vote in favor of H.R. 12250.●

LET THE WAYS AND MEANS COMMITTEE RECONSIDER ITS RECONSIDERATION OF SOCIAL SECURITY TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, our concern with the financial needs of the social security system has blinded us to the issue of how these financial needs should be met. Although I have spoken about this problem before, I consider it necessary to do so again because resolution of the issue will determine whether we will have continuing inflation or price stability, and whether we will have growing prosperity or lapse once again into recession.

The inflation rate has recently increased sharply. Consumer prices rose at an annual rate of 9.3 percent in the first quarter of this year compared with 6.8 percent in 1977. Newly released data indicates that the performance of consumer prices will be very unfavorable during the current quarter.

Alarmed at what it perceives as an acceleration of inflation, the Federal Reserve has undertaken a policy of sharp monetary tightening that has raised the Federal funds rate to over 7.3 percent, the Treasury bill rate to 6.5 percent, and the rediscount rate to 7 percent. All of these interest rates are now much higher than they were a year ago and the effect has been to curtail drastically the flow of deposits into thrift institutions. This monetary stringency is causing many economists to forecast a slowdown in the economy by yearend and a possible recession in 1979.

I regret to say that the administration and the Congress have been doing very little to slow the rate of inflation. And since this failure spurs the Federal Reserve on in its policy on monetary strangulation, we find ourselves indirectly contributing to the recession that is now widely anticipated.

Many of our recent policies have exacerbated the inflation that bedevils us rather than alleviate it. We increased the minimum wage by 15 percent at the start of the year, with further increases locked into the law in years to come. We have reverted to a misguided farm policy that depends on price rigging through cutbacks in farm acreage. We have acceded to the pleas of special interests by granting trade protection that will force the American consumer to pay higher prices for TV sets, shoes, sugar, CB radios, and products containing steel. Perhaps worst of all, we have continued to raise the payroll taxes that finance social security and unemployment insurance, and it now appears that nothing will be done to prevent the major escalation in these taxes that is scheduled to begin in 1979.

For some time it appeared as if the eminently sensible social security amendment of Representative SAM GIBBONS of Florida would meet with the approval of the Ways and Means Committee. Representative GIBBONS proposed to inject general funds into the health insurance (HI) trust fund to make up the revenue losses that would result from his proposed reductions in social security tax rates and bases. The proposal would have cost about $6.2 billion and $8.3 billion in 1979 and 1980, respectively, and it would therefore have approximated a welcome 2-year delay in implementing the social security law that Congress passed last December.

The recent reversal by the Ways and Means Committee is a serious blow to those who regard a rollback of social security taxes as essential. The committee apparently believes that it is just as efficacious to lower income taxes as to lower payroll taxes. Since income taxes are to be reduced anyway, the committee seems to feel that it is not necessary to undo the social security legislation.

This is an error. I do not intend to repeat here what I have been saying about the social security fiasco for many months. But I remind my colleagues once again that a reduction in income taxes does not offset the economic harm done by an equivalent rise in payroll taxes. I also consider it necessary to emphasize why the decision of the Ways and Means Committee is especially unfortunate in the light of forecast economic conditions.

The portion of the social security tax paid by employees is a proportional tax on wages up to a maximum taxable base. Labor income in excess of this base is not taxed at all, nor is nonlabor income such as rents, royalties, interest, and dividends. The social security tax is therefore a highly regressive and unfair form of taxation. To raise these taxes while lowering the progressive income tax causes the net progressivity of our overall tax system to be reduced. It also reduces consumer expenditures, because lower income families tend to spend a larger fraction of incremental income than higher income families.

Although in general the employee contribution to social security is a regressive tax, the specific increases scheduled for 1979 hit middle income families the hardest. This is because there will be only a modest change in the tax rate—from 6.05 to 6.13 percent—combined with an enormous increase in the taxable base of $5,200 from $17,700 to $22,900. Any covered employee with a wage or salary income equal to or above $22,900 will therefore have to pay an additional $332.92 in social security taxes. Since the present maximum tax is $1,070.85, this increase amounts to a jump of at least 31 percent in the social security taxes of all employees who will earn $22,900 or more in 1979.

The modest rate increase means that lower income employees will be spared significant tax increases. Very highly paid employees, while still liable to the tax increase of $332.92, will find that this is a smaller percent of their income relative to those whose incomes are in the neighborhood of $23,000. The scheduled tax increase is therefore progressive relative to poor people but regressive relative to rich people.

It is no wonder that middle income taxpayers are frustrated and threatening to rebel against our increasingly arbitrary and burdensome system of taxation. Any income tax relief that may be contemplated is certain to be a pittance compared to the additional social security tax burden that these middle income taxpayers will have to bear. This distributional consideration is one important reason why income and payroll tax changes are not adequate substitutes for each other.

While the most serious distributional consequences of increased payroll taxes are to be found in the employee portion, it is the employer portion that has the most adverse consequences for inflation and economic growth. The employer contributions to social insurance are labor costs that are shifted forward into higher prices. Increases in employer payroll taxes therefore contribute directly to inflation.

Because the higher prices reduce consumer real income, real consumer spending declines and production and employment therefore fall. The higher prices also invite the Federal Reserve to engage in additional monetary restriction. And even if the Fed does not slow the growth of the nominal stock of money, the real value of the money stock will automatically decline because of the higher price level. Interest rates will therefore rise, expenditures on home construction and consumer durables will decline, and capital spending may also be adversely affected.

By contrast, higher income taxes tend to slow the rate of inflation. As hinted by Chairman MILLER, a smaller income tax reduction could permit the Fed to relent somewhat in pursuit of its restrictive monetary policies and could therefore help to avert recession. Consequently, it is evident that the adverse effects of higher payroll taxes on inflation and growth will be far from canceled by an equivalent reduction in income taxes. The two measures again show themselves not to be adequate substitutes.

I particularly emphasize this last because, as noted earlier, forecasts are now suggesting that faster inflation is very likely to be accompanied by a slowing of growth later on this year. We will therefore have more stagflation, and at the same time the rise in social security taxes scheduled for January 1 will seriously aggravate that condition. Indeed, we may well have an inflationary-recession in 1979 unless we act promptly and decisively to prevent it. In my judgment, a payroll tax rollback is essential if such a calamity is to be prevented.

I do not know what the exact effect on the inflation rate of the new law will be. But an educated guess can easily be arrived at. We recently experienced a frightening first quarter during which unit labor costs in private business increased at a staggering annual rate of 18.3 percent. Part of this was attributable to a 3.6 percent productivity decline that I trust will be temporary.

However, productivity optimism cannot obscure the fact that hourly compensation increased at a rate of 14 per-

cent. It was estimated by the Bureau of Labor Statistics in recent testimony before the Joint Economic Committee that 1.1 percent of this increase was attributable to the social security tax increases that came in in January. This may seem like a small fraction of the increase in compensation, but when we remember that next year's scheduled tax increase is close to twice as large as this year's, we can easily imagine a rise of 2 percent in hourly compensation and unit labor cost in the first quarter of 1979 caused by social security taxes alone.

Some would argue that this will cause no more than a one-shot increase in the price level. However, as Arthur Okun noted in the March-April issue of Challenge:

> Any initial inflationary force feeds into wages and back into prices in our economy, and hence there is no such animal as one-shot inflation.

To widen our perspective, it is not clear that the appropriate choice is between a one-for-one substitution of income versus payroll taxes. First, I am very concerned that, regardless of the composition of our taxes, the overall level will be too high to prevent a serious slackening in our rate of economic growth. According to current Joint Economic Committee staff estimates, the "fiscal drag" to be expected in 1979 is about $28 billion—$17.6 billion attributable to income taxes and $10.4 billion attributable to higher social security taxes. For a specific tax, fiscal drag means the tax increase that will occur in excess of the increase that would keep the revenue from the tax proportional to GNP.

It now appears as if Congress will reduce taxes by about $21 billion. In combination, the fiscal drag of $28 billion and a legislated revenue reduction of $21 billion imply that there will actually be a net tax increase of about $7 billion. This is hardly appropriate fiscal policy for an economy that is widely assumed to be heading for a slowdown. It is true that inflation is becoming more worrisome, but this suggests not that the tax reduction should be smaller, but rather that it should be granted in the form of payroll tax relief.

The continuing reluctance of the Congress to adopt general revenue financing for social insurance reflects an obsolete and dangerous attitude that stems from Congress lack of faith in its own ability to hold down benefit levels once the link between benefits and contributions is broken. Representative GIBBONS attempted to accommodate this attitude by restricting general revenue assistance to the health insurance program, where no link between benefits and contributions exists. But even this very sensible effort at accommodation has been rejected by those who are fearful that any general revenue assistance would set a dreadful precedent.

It is essential that we change our attitude. General revenue funding would permit income taxes to be substituted for the very harmful payroll taxes that now finance social insurance. In addition, general revenue assistance could make available the borrowing power of the Treasury to the social insurance programs. This would eliminate the need to raise taxes during those times—such as the period since 1974—when tax increases of any description are harmful because they retard the recovery of the economy.

I am not advocating exclusive reliance on general funds for social security. But I do believe that payroll taxes should be rolled back, and that they should not be raised in the future. Accordingly, I believe that health insurance should henceforth be financed by general revenues. And I also propose that general revenue funds be infused into the social security trust funds during periods of economic slack. President Carter proposed this at one time, and I deeply regret that he abandoned that proposal so quickly. A triggered program such as suggested by the President would contribute to the stability of the economy rather than to its instability.

We must stop raising payroll taxes if we wish to stop stagflation. The new social security law is a threat to price stability and economic growth throughout the foreseeable future.●

CORRECTIONS TO TECHNICAL ERRORS IN HOUSE REPORT 95–1134, PART 1

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

● Mr. STAGGERS. Mr. Speaker, the Committee on Interstate and Foreign Commerce has discovered a few technical errors that appear in House Report 95–1134, Part 1, which accompanied H.R. 11209, the International Maritime Satellite Telecommunications Act, which was reported on May 11, 1978, and unanimously passed by the House of Representatives on May 15, 1978.

The committee provides the following corrections so that the report will read correctly:

First. On page 10, in the third line of the second paragraph under the heading "Comsat" insert "not" immediately after "does."

Second. On page 10, in the 13th line of the first paragraph under the heading "connecting carrier" strike out the first "mode."

Third. On page 12, in the second line of the second paragraph strike out "in" and insert in lieu thereof "if." ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present for the following votes. If I had been present, I would have voted as indicated:

On May 15, 1978: Rollcall 315, "yes"; Rollcall 316, "yes"; Rollcall 317, "yes"; Rollcall 318, "no".●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 5 minutes.

● Mr. CARR. Mr. Speaker, on Friday, June 2, I was traveling to my district for a number of important engagements and I missed two recorded votes on amendments to H.R. 12157, the Export-Import Bank bill.

Had I been present, I would have voted "no" on roll No. 403, the Ashbrook amendment which sought to delete provisions prohibiting the Bank's participation in transactions in the Republic of South Africa.

On roll No. 404, I would have voted "no," against the Vanik amendment, which strikes language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country.●

INTRODUCTION OF JOINT RESOLUTION DIRECTING THAT FACE OF ABIGAIL ADAMS BE PORTRAYED ON NEW DOLLAR COIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

● Mr. BURKE of Massachusetts. Mr. Speaker, the Historic Preservation and Coinage Subcommittee, chaired by the distinguished Mr. FAUNTROY, will soon report to the full Banking, Finance and Urban Affairs Committee a bill to amend the Coinage Act of 1965 to change the size, weight, and design of the one dollar coin. The small dollar coin is a durable, cost-effective replacement for some of the paper money in circulation. No one, least of all Treasury Department experts, objects to the mintage of a smaller dollar coin.

There has, however, been a measure of controversy over whose visage should appear on the coin. Historically, we have honored outstanding Americans by portraying them on our pennies, nickels, dimes, quarters, 50-cent pieces, and silver dollars. We have recognized the great contributions of Abraham Lincoln, Thomas Jefferson, Franklin Roosevelt, George Washington, Benjamin Franklin, Dwight D. Eisenhower, and John F. Kennedy. Yet we have never minted a coin recognizing any one of the many American women significant to our history. We are long overdue.

The Treasury Department has recommended the mythological portrayal of Miss Liberty, preferring this traditional symbol of the American woman. The Historic Preservation and Coinage Subcommittee disagrees and appears ready to submit the Susan B. Anthony Dollar Coin Act to the Congress. Indeed Susan B. Anthony, as leader of the suffrage movement, was an outstanding American leader, and I commend my colleague, Congresswoman OAKAR, for bringing forth her name.

I am today introducing a joint resolution directing the President and the Secretary of Treasury to protray Abigail Adams on the face of the new dollar coin. Abigail Adams is unquestionably an outstanding American, significant to our history, whose outspoken support for women's rights preceded Susan B. An-

thony by a century. A prolific correspondent, it was on March 31, 1776, that Abigail Adams wrote:

If a particular care and attention is not paid to the Ladies, we are determined to foment a Rebelion, and will not hold ourselves bound by any law in which we have no voice, or Representation.

Abigail Adams was both the wife and mother of a President. However, contrary to the traditional role of the wife and mother in the 18th century, Abigail Adams successfully managed the family farming business saying:

I hope in time to have the reputation of being as good a farmer as my partner has of being a good statesman.

Abigail Adams was very much a part of the struggle for American independence. She closely observed and recorded current events, frequently expressing independent political opinions which in turn guided the actions of the second President of the United States. With her constant warning to, "Remember the Ladies" when forming the Government, Abigail Adams is truly the first proponent of women's rights in America. She paved the way for the women's rights' activists of the 19th and 20th centuries.

The portrayal of Abigail Adams on the new dollar coin is a logical compromise to the mythological Miss Liberty and significant American women who were active in the 1800's and 1900's. I urge Chairman FAUNTROY, the members of the Historic Preservation and Coinage Subcommittee, Chairman REUSS, the members of the Banking Committee, and all my House colleagues to support the Abigail Adams dollar coin resolution.●

HOSPITAL CARE IN AMERICA, A RESEARCH SURVEY BY LOUIS HARRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, today I had the privilege of listening to the distinguished public opinion analyst, Louis Harris, discuss the results of a national opinion research survey which his firm, Louis Harris & Associates, Inc., released today entitled, "Hospital Care in America."

This study, which is described as "A National Opinion Research Survey of Consumers, Government Officials and Health Care Community Attitudes Toward Health and Hospital Care," will, I am confident, be of interest to all Members of the House of Representatives and Senate as we consider legislation in this field.

I ask unanimous consent to insert at this point in the RECORD the text of Mr. Harris' remarks today describing the results of this survey.

The text follows:

REMARKS OF LOUIS HARRIS

Early on in the life of nearly all Americans, hospitals become part of their consciousness, not much different from the awareness of policemen and firemen. But, up until very recently, hospitals have been known primarily as a last resort; an ultimate life support capability to be used hopefully as a fail-safe, a kind of final protection against the most dire consequence of being in poor health, traditionally, people have gone to a hospital in case of serious illness, for an operation, in an emergency, or when no other medical care was immediately available. Of course, in the back of people's minds as well has been the not inconsiderable worry that if you are stricken badly enough, you might even die in a hospital. By any measure, the news that one has to go to a hospital has been serious business, indeed.

Yet, in a curious way, having to go to a hospital has also been beyond the pale. You can be admitted to a hospital only when a doctor orders you there. While you must give your permission to be operated on, the basic decisions about going to a hospital and, once there, the treatment accorded you, what is your ultimate fate has almost aways been in the hands of your doctor and the rather faceless authorities who run things there.

Suddenly, over the past few years, hospitals have moved to a front and center position as a bona fide subject for public discussion, debate, and controversy.

THE HOSPITAL COST PROBLEM

The trigger for this development has been inflation: the pressing matter of costs. From other recent surveys we have found that a high 87 percent of the public feels that health and hospital costs have risen faster than other prices—more than food, which 31 percent feel has risen more rapidly, and energy, which 78 percent think has risen in price more rapidly than other costs. This result is all the more remarkable, given the fact from this survey that fully 88 percent of the families of the country are now covered by some form of hospitalization insurance.

In his response to this hospital cost issue, secretary of HEW Califano has taken the hospital industry to task and wants Congress to pass legislation putting a 9 percent cap on rises in hospital charges. Congress is debating the Secretary's proposal and a spate of other bills dealing with health and hospital problems. Looming more and more imminent is the entire health care issue, whose center piece is whether the country needs some kind of extended national health insurance. The consumer movement is now clearly present in the hospital area. And nearly for the first time on a national basis, the consumers of health care, the broad mass of the American people want in on the hospital decision-making process. In a very real sense, what has been largely an area of blind faith in the high order of health and hospital professionalism is now being put on trial. Health and hospitals have become a public issue as never before. A key question is how well the reputation for professionalism in hospitals stand the test under the white heat of public and political scrutiny. Now, what potential patients think of hospital care must be faced by the hospital industry long before they ever go through the throes of being admitted to a hospital.

This study, conducted in considerable depth among a national cross-section of 1,503 adults, 61 key members of congress involved in health legislation, 106 physicians, 29 of the top health insurance company executives, 26 top hospital administrators, and 62 hospital trustees, points clearly to where the focus of action is going to take place as far as hospitals are concerned. We asked each group surveyed who they feel now has major influence over decision-making in hospitals today. Hospitals administrators emerged number one, cited by 65 percent of the public; doctors were next at 58 percent, then medical organizations, such as the AMA, at 49 percent. Further down the list came blue cross and blue shield, 34 percent, and the Federal Government at 32 percent. But, when we asked who should wield influence in the future over decision-making in hospitals, the thrust of public demand is that every one of these elements have less rather than more influence: hospital administrators, down from 65 percent to 49 percent; doctors down from 58 percent to 54 percent; organizations such as the AMA, down from 49 percent to 34 percent; blue cross down from 34 percent to 14 percent; and the Federal Government down from 32 percent to 22 percent.

By contrast, people say they want to see two power centers grow in influence over the key decisions hospitals make: those hospital board members drawn from the community—viewed as an important influence today at 48 percent, but with a preference on the part of a higher 52 percent to have a more central role—and consumer interest groups, now seen as only a minor influence, singled out by 5 percent, but in terms of preference for the future to grow six fold to 31 percent.

Of course, people do not want consumers to take over and run hospitals. In control of quality in hospitals, people clearly recognize that as a job for professionals—doctors and hospital administrators, although it must be noted that board members from the community are also right up there as the public's surrogates on keeping quality in hospitals. Notably, the public does not expect consumer advocates to lead in insuring quality service in hospitals.

The message that emerges from this study loud and clear is that as the hospitals have come full front and center as a major issue, unmistakeably there is a vacuum over who really can be trusted to represent the public interest and to whom hospitals should be ultimately accountable. The public wants that vacuum filled and fast—but not at the sacrifice of professionalism.

Let me also report that the hospital establishment appears to have begun to get the message: Doctors, health insurance executives, hospital trustees, and hospital administrators all think it is both necessary and desirable to give more authority and influence to board members drawn from the community and to consumer interest groups. Members of congress surveyed feel most strongly this way, with the number who want more influence for consumer types rising from a current estimated 11 percent all the way up to 69 percent.

The hospital cost problem is the central issue now besetting the hospital industry, but, as will be seen in a moment, the current relatively high standing of hospitals could be jaded in the future, unless steps are taken to meet some of the pressing issues head on. At the top of the list of costs which have risen most in the past few years is hospital care. The most overpriced item singled out from the same list was again hospital care. The major perceived causes of this spiraling cost are seen as inflation in general, the rise in hospital staff salaries and doctor fees, and the added cost of modern and sophisticated equipment. A majority of 66% of the public, 62% of the congressional sample, 69% of the health insurance executives, and 55% of hospital trustees all think doctors are now overpaid. However, 66% of the doctors themselves and 56% of hospital administrators do not think doctors are overpaid. A higher 69% of the public thinks recent rises in doctors' fees are not justified, a view shared by nearly every other group, except, of course, doctors, 50% of whom feel that increases in their fees have been justified. On hospital charge increases, an even higher 72% of the public thinks they are not justified, a view shared

by 82% of the Members of Congress polled, 90% of the health insurance executives, and 52% of the doctors. However, a 54% majority of hospital administrators and an even higher 66% of the hospital trustees think the increases in charges is justified. Here we can observe the consistent pattern in this study that the ranks of the professionals associated with hospital care are by no means closed or united. Doctors often find themselves isolated from the rest when they fear their ox is being gored, an experience that happens to hospital administrators, when their domain is being threatened.

Rationally, 96% of the public can understand that hospital costs have gone up along with everything else, 88% that hospitals are spending more money than they used to spend on more and better equipment, 78% that patients will want to pay less but still receive the best care no matter how expensive, and 78% that people would spend less on health care if they had to pay for more of it themselves. But the bottom line, rational or not, and mark it well, is found in the 82% who say, "we should be able to get the same quality of hospital care we get now, but at a lower cost." In addition, there is one interesting difference between the public and the special leadership groups surveyed: By 71–19%, a majority of the public agrees with the claim that "better health care, which saves lives and makes the sick healthy, is worth almost any price." However, Members of Congress agree with this emotion-laden claim by only 48–41%, and doctors by no more than 49–42%, while health insurance executives disagree with it by 48–41%. The leadership obviously has passed the point where it is willing to view hospital care as such a sacred cow that any cost for it can be rationalized in the name of saving life.

HOSPITAL COST CONTAINMENT

Well, then, what are some of the ways to contain hospital costs? First, by over ten to one, every group surveyed agrees that "hospitals ought to work together more than they do now to keep costs from rising so fast." Almost as high a majority also favor "providing incentives to hospitals to contain costs."

On price controls over hospitals, a 50–34% plurality of the public favors them, although this shrinks immediately to only 22% who advocate such controls if they don't take into account the differences between the efficiency and quantity of services provided by different hospitals. However, it should be noted that key members of Congress are 72–20% opposed to such price controls for hospitals. It is not surprising that even larger majorities of doctors, health insurance executives, and hospital administrators and trustees oppose price control.

The notion of the Federal Government controlling the amount spent on hospital care by setting a limit on each hospital's annual revenues is rejected by 50–30% by the public and by a higher 75–16% by the Members of Congress surveyed.

Neither the proposed cap on hospital costs nor voluntary efforts meet with much groundswell of backing among the public or the other groups surveyed. But a whole roster of other measures do meet with resounding public and leadership support, all of which are perceived as potential impactors on controlling rises in hospital costs. For example, 86% of the public favors requiring hospitals to use up-to-date management techniques, 78% favor encouraging more people with minor illnesses not to go to a hospital but to stay home and receive treatment, 77% of the public favor the requirement of having a second medical opinion before allowing hospitalization or operations, 76% support having hospitals in an area share equipment and services, 74% back requiring annual management audits of hospitals to review staffing needs and assess the productivity of employees and procedures and routines, 73% favor having admission procedures and medical tests completed before entering the hospital, 73% favor having medical tests done on an out-patient basis, and 71% favor having minor operations without staying overnight (same-day surgery). The only exception the leadership groups take to this roster of reforms are doctors who by 57–37% stand opposed to the patient obtaining a second doctor's judgment about hospitalization or operations.

On the use of shared facilities by hospitals, only in the case of emergency rooms and cardiac care units for heart attacks would the public and leadership take real exception. They would stand still for sharing of kidney dialysis machines, obstetrics and maternity departments, open heart surgery, cancer therapy, and CAT scanner equipment.

This is not to say that in the best of all worlds, people would not prefer to have their hospital to be equipped with all of them. But, they appear to be willing to face minor inconveniences to achieve some cost containment.

On the question of overbedding, whether or not there are more beds in hospitals than are needed and this condition in turn leads to higher costs, by 71–12%, the public does not believe it. Nor do doctors or hospital administrators, although pluralities of every leadership group are willing to see some attrition take place on bed facilities to save costs. The public by 65–21% is not willing. However if a private room costs $10 more than a semi-private room, by 68–26%, most will settle quickly for a semi-private room. Finally, by 85–8%, a lopsided majority of the public favors the increased use of paramedics, who would give them injections and operate hospital machines which are examining them.

What all this adds up to on the pressing cost issue is that both the public and the leadership groups do not see any quick fix, no matter how spectacular, that is likely to set the perceived out of control costs of hospital care right in a hurry. Instead, most hold firmly to the view that there are a series of trade-offs and improved management practices which can be instituted and which hold out the promise of cutting waste and saving on costs while not destroying the quality of hospital care.

PUBLIC CONFIDENCE IN QUALITY OF HEALTH CARE

Now, having just described some of the more ominous shots that are being fired across the bow of hospital institutions, let me try to put these findings in a broader perspective. In terms of public confidence, it is true that 39% of the public expresses a great deal of confidence in doctors and 37% in those running hospitals, which contrasts sharply with only 18% who have high confidence in the Federal Government and a lowly 12% with high respect for congress. But, having said this, to put it all in the proper context, it must also be reported that in the case of doctors, high confidence has dropped from a high of 71% in 1966 all the way down some 32 points to a current all-time low of 39%. Over the same period, Congress has declined in confidence a lesser 29 points, but, then, Congress never did have that far to fall.

Highly important is the fact that sizable majorities of the public express satisfaction with the quality of health care generally, the availability of health care, the concern of doctors and nurses for patients, the quality of health care in hospital emergency rooms, the quality of health care to patients staying in hospitals, the quality of dental care, and their own health insurance. By the same token, majorities are dissatisfied with the cost of health care, the unwillingness of doctors to make house calls, the filling out of forms to claim health insurance, the red tape involved in it all.

However, there is one caveat I would make to those in the hospital industry who might be tempted to take bows based on these numbers. It must be born in mind that your industry is a critically essential mainstay in modern American life. So you will quickly find that you must not apply the same criteria that, for example, is used to determine who can serve in public office in elections, where anything over 50% is golden. The fact that a critical minority of 30% is unhappy with the concern of doctors and nurses for patients could be a worrisome thing, as is the 31% who are negative about health care in emergency rooms, or the 22% who are worried about the availability of health care, or even the 18% who are unhappy about the overall quality of health care. You are in the same invidious position as those who must maintain highways which might be viewed as unsafe 20% of the time or television programs which are usually taken off the air when over 20% of the viewing audience does not like them. I would say that in the health and hospital care field, any negative mass above the 30% mark ought to be viewed as a early warning red flag waving that must be tended to promptly, and you will find yourself in real peril if you ignore it. As one final example, it might be viewed as heartening at a time of high consumer protest that a majority of 52% of the public thinks the quality of care in hospitals is better now than it was 10 years ago, and there is objective evidence to bear this out. But, by the same token, a rather substantial 37% see no improvement or even a deterioration of quality.

There is other news from this in-depth study that is highly encouraging. For example, a clear majority of 52% wants to give a higher priority to preventive medicine than to curative medicine. Over 90% realize that if Americans lived healthier lives, ate more nutritious food, smoked less, maintained their proper weight, and exercised regularly, it would do more to improve our health than anything doctors or medicine could do for us. Perhaps the time is at hand for a massive shift from top priority having been given to the bricks and mortar approach, under which all that was needed were better baskets to catch people and then cure them no matter how they ignore their own health, to a new emphasis that people ought to be charged for medical service on the basis of how much they need to go to visit doctors and hospitals, so a premium is put on patients who take care of themselves getting socked with less of the freight.

As for in-hospital care, there is general high regard for the services rendered by doctors, the housekeeping services, lab tests, and care provided by interns and residents. But significant minorities are not nearly as impressed by the quality of the food and meals, the emergency room service, admissions procedures, and respect and concern for patients as individuals. And majorities are downright critical of the value they receive for the money and the unreasonableness of the fees they are charged. One idea whose time may have come is that people be admitted to hospitals by simply showing a special identification card provided for that purpose.

And, despite the minority criticisms voiced about emergency rooms, by 69–24%, a majority of the public reports that it is sometimes faster to go to an emergency room for treatment than to wait for an appointment with your family doctors. And by 65–26%, the public also feels that if it weren't for the emergency room, many people just would

not have anywhere to go to get adequate medical care.

Substantial numbers of the public are also disturbed about the paucity of information given them in a hospital: by 48–46%, a plurality complains they are simply not told the condition of their health and what is really wrong with them; by 51–43%, they are not given the reasons why various treatments rendered them are prescribed; by 65–30%, a majority has just about given up trying to figure out why they were charged what they were by the hospital and their doctors, only a 59–32% majority feels that they are told why they need the surgery they have, although the 32% minority is not a comfortable number who feel they don't know in the case of surgery.

The syndrome of the past, where in effect people were admitted to hospitals and the process took over with their own participation being to survive the treatment accorded them, is evident in the sharp gulf that separates the public's and leadership's judgments about what potential patients are adequate judges of. By wide margins, the public is convinced that it is capable of judging the quality of health care received in a hospital, how well the doctors are doing their work, how well the hospital is being run, and whether the hospital has enough staff, doctors, and nurses. On all these counts, doctors, hospital administrators, hospital trustees, health insurance executives, and congressmen are just as convinced that the public is not an adequate judge of these matters. I am not a professional in the hospital field and cannot render an objective judgment on this finding. But I will say flatly and categorically that if the perceived lack of public competence to make such judgments becomes an excuse not to pay attention to what the patients are saying and people are not reassured on these dimensions, then just watch out. Those running hospitals just could be courting an incremental rise in consumerism in the hospital field. It is well to remember that 23% of those who have recently been in a hospital said they had complaints and by 59–40%, they remained dissatisfied by the way their complaint was handled. That is a formula for making enemies on a massive scale.

As far as different types of hospitals go, public and veterans hospitals appear to be in the most trouble with both the leadership and the professionals surveyed, while church-run and hospitals owned by professional hospital management companies appear to be best received, although the latter are unknown quality to fully 43% of the public.

FEDERAL REGULATION OF HOSPITALS

Now, as much as people might complain about the current state of hospitals in this country, the prospect of the Federal Government taking over and running the health care and hospital systems in the U.S. is simply rejected by a 58–23% margin by the public. In addition, by 46–38%, a plurality also opposed additional Federal regulation of hospital. When asked if the individual hospital or Government should determine the fees hospitals set, the opening of a new department such as a new maternity ward, or the closing of departments, or the purchase of an expensive piece of equipment, or the total revenues of the hospital, or the number of staff employed by the hospital, majorities of the public opt for letting the local hospital make these choices, instead of having them determined by decisions made under Government regulation. The same pattern prevails in the case of doctors—the fees they charge, the location of their practice, the length of time patients should stay in the hospital, which tests should be administered to patients, and the hospitals to which they admit patients.

What all this adds up to is the fact that as in so many areas of American life today, the hand of Government is perceived in more cases than not to be an essentially dead hand, stultifying initiative, and putting crucial matters in the control of a mindless bureaucracy.

I am firmly convinced that it is precisely this deep distrust and lack of confidence in Government that leads so many people to express qualified satisfaction with the system as it works today. But for those in the hospital industry, such news ought not be taken as a sign that they are home free. The reason is not hard to find. They are just undergoing their first test in broad daylight with the people. Unless they are at least three paces ahead of them all the way, then they will quickly find that as a last resort Government will be turned to. Time of reckoning is at hand. All concerned must seize the initiative and listen carefully to the voices being raised. Your time to act may be shorter than you think.●

PERSONAL EXPLANATION

(Mr. ROBINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. ROBINSON. Mr. Speaker, during the meeting of the House on Thursday, June 1, 1978, I apparently was temporarily out of range of the bells while engaged in discussion related to business of the Permanent Select Committee on Intelligence during rollcall No. 395 on an amendment in the nature of a substitute to H.R. 12050, to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition.

Had I been present in the Chamber on that rollcall, I would have voted "no."

On rollcall No. 396 of the same day, I voted for passage of the bill.●

METHODIST CHURCH OF VILLAGE OF NORTH MANLIUS ORGANIZED IN 1830

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, like individual bricks in a great building, the small towns and villages of America have contributed to the unique vitality and appeal of this Nation in many ways. One of the most important is in the area of organized religion.

The small settlements that sprang up near the canals, turnpikes, and natural pathways of 19th century America invariably developed church groups or affiliations as naturally as they did grange halls and political cubs. The Baptist or the Methodist or the Presbyterian Church often became the focal point of social activities, and, many times, they shared the same structures for worship in a foreshadowing of present-day spirit of ecumenism.

Such is the origin of the Methodist Church organized in 1830 in the village of North Manlius, just a few miles northeast of present-day Syracuse, New York.

Though organized in 1830, the Church was without its own building, so the Presbyterians generously offered their church, built in 1817, to both the Methodists and Baptists.

The village itself, settled about 1790, was on the natural pathway to and from huge Oneida Lake to the interior of central New York. It was not until 1853, when local surveyor John Adams donated land, that the Methodist Church was erected.

It is noted that Mr. Adams and party of men cut virgin timber across Oneida Lake, some 12 miles away, in winter, and carried the timber across the frozen lake by sled. A plaque above the church door commemorates the architect as N. Moses, and the builder as J. B. Schaick.

It is this particular achievement of 125 years ago, culminating in the construction of their first church building, which will be formally celebrated on June 17, 1978.

As nearby communities began to grow and develop their own church groups, the North Manlius Church became the parent church lending a helping hand in initial organization, and even aided the fledgling Syracuse University in the early 1870's.

Due to the ambitious quilting work of the ladies, it was often identified as "the quilting church."

In 1951, following complete destruction of their building by fire, the Baptist congregation joined with the Methodists to form the North Manlius United Church.

Participating in the observance of this 125th anniversary will be the Rev. Edgar Klatt, denominational evangelist for the North American Baptist General Conference from Edmonton, Alberta, Canada, and four former pastors will be guests: Rev. Sheldon Stephenson, Rev. Paul deMeuerers, Rev. John Wood, and Rev. Richard Vogel.

On the following day, June 18, the Rev. Bishop Joseph Yaekel will deliver the anniversary sermon. The church will be open all day for the celebration, with an old-fashioned picnic lunch. Pictures, old records, and memorabilia will be on display.

With this celebration, the congregation reaffirms the faith held for 125 years that the North Manlius Church is a vital and honored church serving the Lord and the community.

Mr. Speaker, I join in that reaffirmation.●

TAX EQUITY AND THE STEIGER AMENDMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MIKVA. Mr. Speaker, a few weeks ago, on April 15, most of us went through the annual ritual of completing our 1977 tax returns. That is never a pleasant task, but most Americans do it faithfully and honestly because it is an important responsibility in a democratic society, and because it is a responsibility shared by all Americans.

I wonder what the reaction of last month's taxpayers would have been had they known that some Americans earn-

ing $100,000 or $200,000 or even $1 million were not paying any taxes? I think most Americans would have been justifiably outraged by such an obvious injustice.

The possibility of that fact occurring next April 15 is a certainty, however, if the Congress agrees to accept the amendment offered by Congressman BILL STEIGER to the tax cut package presently before the Ways and Means Committee. This amendment—and similar amendments by others—would remove the capital gains preference income from the individual and corporate minimum tax, extend the lower alternative capital gains tax to individual and corporate capital gain income in excess of $50,000, and liberalize the treatment of capital losses, at a total revenue loss of well over $2 billion.

The amendment is being described as a capital formation tool, but it is in reality a gutting of the minimum tax and a tax bonanza for the wealthiest two-tenths of 1 percent of the taxpayers in the country. The minimum tax was enacted because the public was incensed at reports of people with large earnings escaping the responsibility of paying taxes through the use of tax preferences. The Steiger amendment would roll back the code to its previous inequity.

Prior to adoption of the minimum tax—and the amendments to it in 1976—tax preferences enabled 532 people filing individual returns to list adjusted gross incomes (AGI) above $100,000 and to pay no Federal income tax. Included in that group were 17 individual returns listing AGI above $1 million with no tax liability. The minimum tax subjected some of those preferences to taxation and has helped to reduce significantly this kind of gross tax avoidance. The single most important element in the minimum tax is the capital gains preference income which comprises 82 percent of the minimum tax collected. Therefore, excluding capital gain from the minimum tax as proposed by Congress STEIGER is tantamount to repeal of the minimum tax and a return to the time when wealthy people could avoid taxes. Moreover, it would be a signal to the great majority of middle-class taxpaying Americans that this Congress supports special preferential tax treatment for the very affluent.

Mr. Speaker, I think it is totally inadequate and inaccurate to cloak a repeal of the minimum tax in the mantle of capital formation. I do not favor repealing the capital gains preference tax which proponents of capital formation argue is so vital to our economy, but neither do I favor letting millionaires use the preference to escape from paying any tax. It is this basic question of fairness—all people paying something—that is at issue in the Steiger amendment—not capital formation.

I am enclosing a table prepared by the Joint Committee on Taxation which graphically shows the complete inequity of the Steiger amendment. Removal of the untaxed half of capital gains from the minimum tax provides more than $630 million in tax cuts for people with incomes above $200,000, and an additional $210 million in cuts for people with incomes above $100,000. This astounding act of generosity to the people who least need tax relief is compounded by the other major aspects of the Steiger amendment.

In addition to the minimum tax changes, the extension of the lower capital gains rate to gains in excess of $50,000 offers those with incomes above $200,000 an extra $400 million of tax cuts. In fact, this provision concentrates 97 percent of its tax advantages on people earning more than $200,000 a year. The total effect of the Steiger amendment is to direct close to 68 percent of its $1.8 billion of individual tax relief to those with income of more than $100,000, and 56 percent of the benefits to people with incomes above $200,000.

Mr. Speaker, I question whether this is the kind of "targeted" tax relief most Members of Congress have been endorsing when they meet with disgruntled constituents back home. And, I wonder how we will explain to our constituents that in order to provide tax relief for millionaires, we will have to increase the deficit by more than $2 billion or raise their taxes to make up for the revenue loss. I am not sure what the answers to those questions are, but I am sure that the answer is not to say that we must give $1.2 billion of tax relief to the wealthiest two-tenths of 1 percent of the population in order to spur capital formation.

Mr. Speaker, I suggest that the simplest answer is to say "no" to the Steiger amendment; and to say that the Congress thinks it is vital to go on record in opposition to special treatment for the wealthy. I firmly believe that if the Members of Congress examine this distribution table, and talk to their constituents, they will come to the same conclusion.

DISTRIBUTION OF STEIGER H.R. 12111 AS IT AFFECTS INDIVIDUALS' 1978 INCOME LEVELS

Expanded income	Alternative tax		Minimum tax		Capital losses		Total (millions)	Percentage distribution
	Returns (thousands)	Amount (millions)	Returns (thousands)	Amount (millions)	Returns (thousands)	Amount (millions)		
Below $5,000			$3	−$6	$27	−$1	−$7	0.4
$5,000 to $10,000			(1)	(1)	130	−13	−13	.7
$10,000 to $15,000			1	(1)	187	−22	−22	1.2
$15,000 to $20,000			11	−3	197	−30	−33	1.8
$20,000 to $30,000			30	−14	400	−64	−78	4.2
$30,000 to $50,000			99	−66	357	−84	−150	8.0
$50,000 to $100,000	(1)	(1)	126	−225	162	−54	−279	15.0
$100,000 to $200,000	(1)	−$13	50	−210	32	−13	−236	12.7
$200,000 and over	$14	−406	22	−637	6	−3	−1,046	56.1
Total	15	−420	340	−1,161	1,500	−284	−1,865	100.0

1 Less than 500 returns or $500,000.

TRIBUTE TO THE MEMORY OF ROBERT F. KENNEDY ON THE 10TH ANNIVERSARY OF HIS DEATH

(Mr. O'NEILL (at the request of Mr. GAMMAGE) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. O'NEILL. Mr. Speaker, I join my distinguished colleagues in tribute on the 10th anniversary of the untimely death of Senator Robert F. Kennedy.

Today, 10 years after the unnatural death of Robert F. Kennedy, his heroic spirit continues to be a guiding light for all the people he championed during his life. His public career was tireless dedication to helping the poor, the dispossessed, the blacks, and to all people less fortunate than he. Senator Kennedy could have selected a life of social convenience which would have been a life of noninvolvement in public service but, it was not in the indomitable spirit of this man to shun his unquenchable appetite of a life of adventure. His commitment to life was in aiding others to improve their status. To help them fulfill the American dream. He helped others by using his energy and passion for improving life as he saw it. He made America a better place to live in by fighting racial injustice with courage that was tempered with compassion. He tried to have people understand that by lowering the barriers of discrimination a greater human spirit develops that makes the world a better place. His devotion to justice was fortified with a fearless pursuit of the right that he echoed constantly for the cries of the poor, the oppressed, the silent, and the ignored. He saw clearly the ills, the inequities, and the injustices in society and set as his public and personal goals to end them. This need to help others arose innately from the character of the man, from his resolute sense of duty which was imbued with a strong sense of morality and compassion. The people who came in contact with him knew instinctively that he cared for them, that he was their friend and they reached out to him. He gave people who

were economically and socially deprived hope through his actions. As a man of action, he challenged the youth of his day to reaffirm their lives to improving the world through social action. He extorted them to seek change in a world that yields to change slowly. Indeed, this man's life for action has etched an indelible symbol for all people in public and private life to respectfully emulate. His life is a tribute to all men and women who strive to live with moral conviction and who strive with courage and sensitivity to try to solve the greatest problems of our time.

In closing, it seems appropriate to cite a quote adapted from George Bernard Shaw that Senator Robert Kennedy was fond of using during his political campaigns. It is as follows:

Some men see things as they are and say, "Why?" I dream things that never were and say "Why not?"

As we continue our struggles against social injustices in this world, let us not forget, in the memory of Senator Robert F. Kennedy, to ask, "Why not?"●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. COTTER (at the request of Mr. WRIGHT), for today, on account of a death in the family.

Mr. DENT (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. FOUNTAIN (at the request of Mr. WRIGHT), until 12:45 p.m. today, on account of official business.

Mr. NEDZI, for June 7, 1978, through June 16, 1978, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. STUMP (at the request of Mr. WRIGHT) for today, on account of official business

Mr. YOUNG of Alaska (at the request of Mr. RHODES), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PURSELL) and to revise and extend their remarks and include extraneous matter:)

Mr. SARASIN, for 5 minutes, today.

Mr. BURKE of Florida, for 5 minutes, today.

Mr. WAMPLER, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. GAMMAGE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. STAGGERS, for 5 minutes, today.

Ms. HOLTZMAN, for 5 minutes, today.

Mr. CARR, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOORHEAD of Pennsylvania, and to include extraneous matter, on H.R. 12426, in the Committee of the Whole today.

Mr. STEIGER and to include extraneous matter.

(The following Members (at the request of Mr. PURSELL) and to include extraneous matter:)

Mr. FINDLEY in two instances.

Mr. DERWINSKI.

Mr. ASHBROOK in two instances.

Mr. WYLIE.

Mr. SARASIN in two instances.

Mr. RUDD.

Mr. WIGGINS.

Mr. TRIBLE.

Mr. FORSYTHE.

Mr. BADHAM in two instances.

Mr. GRASSLEY.

Mr. GILMAN.

Mr. KEMP.

(The following Members (at the request of Mr. GAMMAGE) and to include extraneous material:)

Mr. LUKEN.

Mr. DENT in two instances.

Ms. KEYS in two instances.

Mr. PEPPER in three instances.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. BLOUIN.

Mr. TEAGUE.

Mr. ADDABBO.

Mr. CLAY.

Mr. FORD of Michigan.

Mr. WOLFF.

Mr. UDALL.

Mr. BENNETT.

Mr. LAFALCE.

Mr. RISENHOOVER.

Mr. HAMILTON.

Mr. BOLAND.

Mr. SOLARZ.

Mr. RANGEL in two instances.

Mr. DRINAN.

Mr. FOLEY.

Mr. MCDONALD.

ADJOURNMENT

Mr. GAMMAGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p.m.) the House adjourned until tomorrow Wednesday, June 7, 1978, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4326. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the intent to obligate certain funds available in the Army Stock Fund for war reserve stocks, pursuant to section 835 of Public Law 95–111; to the Committee on Appropriations.

4327. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice of the proposed transfer of the obsolete destroyer ex-*Laffey* (ex *DD–724*) to the State of South Carolina represented by the Patriots Point Development Authority, Charleston, S.C., pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

4328. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense equipment to Saudi Arabia (transmittal No. 78–48), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

4329. A letter from the Deputy Assistant Secretary of the Interior, transmitting notice of the Secretary's determination that certain lands in the States of Oregon, Colorado, Wyoming and Idaho are not suitable for disposal under the provisions of the Unintentional Trespass Act, pursuant to section 214 (b) of Public Law 94–579; to the Committee on Interior and Insular Affairs.

4330. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to Saudi Arabia (transmittal No. 78–48), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

4331. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense services to Saudi Arabia (transmittal No. 78–51), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

4332. A letter from the Acting Secretary of Commerce, transmitting an interim report on the implementation of the Olympic Winter Games Authorization Act of 1976, covering the period September 28, 1976, through February 15, 1978, pursuant to section 7(a) of the act; to the Committee on Interstate and Foreign Commerce.

4333. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4334. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(2) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1218. Resolution waiving certain points of order against H.R. 12930. Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1271). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee on Small Business. Report on Food and Drug Administration's food labeling regulation: Its ef-

fect on small business (Rept. No. 95-1272). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOUIN:

H.R. 12985. A bill to amend the Internal Revenue Code of 1954 to make the investment tax credit applicable to certain buildings and their structural components and to make permanent the 10 percent investment tax credit; to the Committee on Ways and Means.

By Ms. KEYS:

H.R. 12986. A bill to amend the Coinage Act of 1965 to change the size, weight, and design of the $1 coin, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McKINNEY (for himself and Mr. LUKEN):

H.R. 12987. A bill to amend the Internal Revenue Code of 1954 to allow an individual to exclude from gross income the gain from the sale or exchange of the individual's principal residence; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. BREAUX, Mr. UDALL, Mr. KAZEN, Mr. ZABLOCKI, Mr. BINGHAM, Mr. FRASER, Mr. PRITCHARD, and Mr. DERWINSKI):

H.R. 12988. A bill to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto; jointly to the Committees on Interior and Insular Affairs, International Relations, Merchant Marine and Fisheries, and Ways and Means.

By Mr. PANETTA (for himself, Mr. ANDERSON of California, Mr. ARMSTRONG, Mr. CLEVELAND, Mr. DOWNEY, Mr. EDWARDS of Oklahoma, Mr. GEPHARDT, Mr. HUGHES, Mr. McCORMACK, Mr. McDONALD, Mr. PATTERSON of California, and Mr. WRIGHT):

H.R. 12989. A bill to disregard, for purposes of certain taxes imposed by the Internal Revenue Code of 1954 with respect to employees, certain changes since 1975 in the treatment of individuals as employees; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 12990. A bill to amend the Railroad Retirement Act of 1974 to provide that certain additional military service shall be deemed part of the years of service of an individual for the computation of certain annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 12991. A bill to amend section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) to provide greater training flexibility for Reserve officers ordered to active duty for training for not more than 6 months by deleting the requirement that they be ordered to active duty for not less than 3 months; to the Committee on Armed Services.

H.R. 12992. A bill to amend chapter 55 of title 10, United States Code, to authorize the use of CHAMPUS in patient cost-sharing rates for surgery performed on an outpatient basis; to the Committee on Armed Services.

By Mr. ROE (for himself, Mr. JOHNSON of California, Mr. HAMMERSCHMIDT, and Mr. HARSHA) (by request):

H.R. 12993. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to provide public works employment for the long-term unemployed, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 12994. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works and Transportation.

H.R. 12995. A bill to authorize the appropriation of funds to provide for additional administrative expenses associated with the implementation of the Local Public Works Capital Development and Investment Act of 1976, as amended; to the Committee on Public Works and Transportation.

By Mr. ROSE (for himself, Mr. PREYER, Mr. FOUNTAIN, Mr. WHITLEY, Mr. HEFNER, Mr. ANDREWS of North Carolina, Mr. BROYHILL, Mr. NEAL, Mr. MARTIN, and Mr. JONES of North Carolina):

H.R. 12996. A bill to establish an administrative procedure and guidelines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa (for himself and Mr. CONTE) (by request):

H.R. 12997. A bill to amend the Small Business Act to increase the maximum allowable compensation and travel expenses for experts and consultants; to the Committee on Small Business.

By Mr. WHITEHURST:

H.R.12998. A bill to provide a basic allowance for quarters for certain members of the armed services while on field or sea duty; to the Committee on Armed Services.

By Mr. BRINKLEY:

H.R. 12999. A bill to disregard, for purposes of certain taxes imposed by the Internal Revenue Code of 1954 with respect to employees, certain changes since 1975 in the treatment of individuals as employees; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 13000. A bill to amend title 39 of the United States Code to provide free postal service to the States and political subdivisions thereof for the mailing of sample ballots in connection with elections conducted by such States and political subdivisions; to the Committee on Post Office and Civil Service.

By Mr. JOHN L. BURTON (for himself, Mr. DERWINSKI, Mr. EILBERG, Mr. GARCIA, Mr. HARKIN, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. PRICE, Mrs. SPELLMAN, Mr STARK, Mr. TREEN, and Mr. TRIBLE):

H.R. 13001. A bill to amend the Congressional Budget Act of 1974 to prevent the shifting of fiscal burdens to State and local governments; to the Committee on Rules.

By Mr. BYRON:

H.R. 13002. A bill to amend the Internal Revenue Code of 1954 to provide, for purposes of the deduction for real property taxes, that certain assessments on real property which are used to provide municipal-type services shall be treated as real property taxes; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 13003. A bill to provide that certain rules which relate to firearms and which are proposed by or for the Bureau of Alcohol, Tobacco and Firearms shall be subject to public comment for not less than 120 days and to veto by either House of Congress; jointly, to the Committees on the Judiciary, Ways and Means, and Rules.

By Mr. BURKE of Massachusetts (for himself, Mrs. HECKLER, and Mr. CUNNINGHAM):

H.J. Res. 961. Joint resolution to amend the Coinage Act of 1965 to change the size, weight, and design of the $1 coin, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LATTA (for himself, Mr. GRADISON, Mr. TUCKER, and Mr. CHARLES WILSON of Texas):

H.J. Res. 962. Joint resolution designating the composition known as "The Stars and Stripes Forever" as the national march of the United States; to the Committee on Post Office and Civil Service.

MEMORIALS

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

425. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the issuance of a postage stamp commemorating the land of Sir Francis Drake in California in 1579, to the Committee on Post Office and Civil Service.

426. Also, memorial of the Legislature of the State of Louisiana, relative to forgiveness of SBA loans to victims of flooding in Louisiana on May 2, 1978; to the Committee on Small Business.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BYRON:

H.R. 13004. A bill for the relief of Charlotte F. Worgan; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 13005. A bill for the relief of Alix Fils-Aime; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 13006. A bill for the relief of Jesse Kuo Tang and Sharon Kuo Tang; 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:

474. By the SPEAKER: Petition of Oil Capital Barracks No. 3075, Veterans of World War I of the U.S.A., Inc., Tulsa, Okla., relative to pensions for World War I veterans and widows; to the Committee on Veterans' Affairs.

475. Also, petition of the Monroe County Legislature, Rochester, N.Y., relative to tuition tax credits; to the Committee on Ways and Means.

AMENDMENTS

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

H.R. 12929

By Mr. STOKES:

—On page 39, strike out lines 14 through 17.

H.R. 12929

By Mr. WALKER:

—Page 46, immediately after line 12, insert the following new section:

SEC. 410. No part of any appropriation contained in this Act may be obligated or expended in connection with the issuance, implementation, or enforcement of any rule, regultaion, standard, guideline, recommendation, or order which, for purposes of compliance with any ratio, quota, or other numerical requirement related to race, creed, color, national origin, or sex, requires any individual or entity to take any action with respect to (1) the hiring or promotion policies or practices of such individual or entity, or (2) the admissions policies or practices of such individual or entity.

H.R. 12930

By Mr. MITCHELL of New York:

—Page 26, line 19, strike out "$77,000,000" and insert in lieu thereof "$93,400,000".

—Page 27, line 5, strike out "$19,500,000" and insert in lieu thereof "$43,600,000".

EXTENSIONS OF REMARKS

NO MERIT IN SUGARMAN PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DERWINSKI. Mr. Speaker, as ranking member of the Post Office and Civil Service Committee, I have been deeply concerned over the obvious problems inherent in the Sugarman plan. Given the aloofness of top level bureaucrats, typified by Mr. Sugarman, along with the "we know best" mentality involved in this approach, the implementation of this plan will in the long run harm the civil service.

The basis for promotion in the civil service should be on merit. Any form of a quota system is bound to have a negative effect on the services rendered to the public. This point is very appropriately presented in an editorial in the Washington Star of June 2. I insert it at this time for the Members' attention:

NO MERIT IN SUGARMAN PLAN

President Carter's civil service "reform" plan has received wide publicity and comment but there has been a curious lack of attention to another proposed program—the Sugarman plan—that could have significant and, we think, deleterious effects on the federal service.

The plan, disclosed several months ago by *The Star's* federal columnist, Joseph Young, was drafted by Jule Sugarman, who was appointed to the Civil Service Commission by President Carter and currently is the CSC's vice chairman. It is designed to bring more women and minorities into middle and upper level government jobs by allowing them to bypass regular merit hiring procedures.

The plan calls for the Civil Service Commission to survey various types of government employment and determine if minorities or women are "under-represented" in them. If the CSC decides there is under representation, it could set aside up to 20 percent of the jobs in each category for "special emphasis" hiring.

Under tihs special hiring, minority and women applicants would not have to take regular civil service exams but would be evaluated by a team of "experts" trained by the CSC. Those who passed muster would be placed in the jobs for a probationary period of two years, after which they would be eligible for permanent civil service status.

Although the aim of opening more opportunities for minorities and women is commendable, there are several things wrong with the Sugarman plan.

It is a "quota" system pure and simple. No amount of sugar coating can disguise it. Setting aside large blocks of jobs for women and minorities is not setting "goals"—a favorite expression of HEW Secretary Joseph Califano—it is establishing a firm number of jobs from which certain people are to be barred and for which certain others are to be hired.

The quality of the federal service is likely to drop. Middle and upper level jobs are not run of the mill employment. In many, if not most, cases they are supervisory posts. On the face of it, the aim of the Sugarman plan is to allow the employment of applicants who can't score high enough on competitive civil service exams. Really, does the public want people running government programs who can't pass civil service exams?

Promotion opportunities for present employees would be curtailed. Most of the set-aside jobs presumably would be filled by people not now government employees, which means that many present employees trying to work their way up—including minority workers and women—would be stymied.

The potential would be there for political abuse. With large blocks of jobs taken out of the regular hiring channels, what's to prevent an administration from filling them with political appointees? We've seen no figures on how many jobs might come under the Sugarman plan but undoubtedly many thousands would be involved.

Civil Service officials had hoped to have the Sugarman plan in operation this month on an experimental basis but apparently it is running into some snags and there is talk of a two-month delay. It ought to get snagged permanently.●

CAMBODIA

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. WYLIE. Mr. Speaker it is with some sense of urgency that I feel compelled to protest the artrocities being perpetrated by the Government of Cambodia. A sense of moral responsibility, as well as the common bonds of humanity, requires me to declare my outrage at the systematic slaughter of innocent people being carried out by the Cambodian regime.

While a shroud of mystery has encompassed Cambodia since entry into the country was barred 3 years ago, thousands of refugees who have escaped relate tales of terror and devastation which indict the Cambodian Government by any measure of human dignity and freedom. Supporters of the previous regime, and indeed persons in all walks of life, have fallen victim to the savage killings in Cambodia. Even those fleeing across the borders have been gunned down mercilessly. A constant sense of fear pursues those who remain. The Cambodians have been driven from their cities, families have been separated, summary executions have become common practice. The government seems determined to force its conception of organization upon the people by destroying all traces of the previous regime and social framework according to reliable information being disseminated through the news media.

As a nation dedicated to the promotion of basic human rights, we as a people, must move to make public our abhorrence of the murderous policies of the Cambodian regime. Our lack of diplomatic or economic ties frustrates our efforts to manifest our condemnation tangibly, and intercession through the People's Republic of China, which does have ties with Cambodia, is blocked due to the same lack of formal diplomatic relations. This must not, nevertheless, prevent us from exposing the brutality of the present regime and our total rejection of its egregious abuses of internationally recognized human rights.

Reports of such persecutionary practices as those of the Cambodian Government instantly bring to mind the crimes of Nazi Germany. Because those terrors remain etched indelibly in our consciousness, we carry the responsibility to censure any regime whose policies demonstrate a flagrant disregard for fundamental human freedoms.

So that our position may not be taken as one of acquiescence, we must make known our repulsion to such abuses. Our protest against the Cambodian regime must reaffirm our conviction that any government which attempts to control its citizenry through total repression cannot survive.●

GREGORY WITTINE—EAGLE SCOUT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. WOLFF. Mr. Speaker, I rise today to pay tribute to Gregory Wittine, who, after enormous determination on his part, will be awarded an Eagle Scout badge on June 9. Greg has multiple handicaps as the result of being afflicted with cerebral palsy. In spite of these obstacles, he has fulfilled the necessary requirements to earn an Eagle Scout badge. This included a 10-mile hike, part of which Greg accomplished by crawling on his hands and knees.

Unfortunately, for a while it seemed as though Greg's extraordinary efforts had been in vain. The National Council of Boy Scouts of America overruled the decision of the local Eagle Scout Review Board on the ground that a Boy Scout cannot advance in rank beyond his 18th birthday and Greg was 22 years of age. I was asked by Greg's scoutmaster, who is a constituent of mine, to look into this denial by the National Council. I informed the National Council that its policy was understandable as a general rule, but when applied to this case was unnecessarily harsh.

I was, therefore, pleased to learn that the Boy Scouts have recently changed their regulations and have removed any age limit for handicapped scouts. I believe that this enlightened new policy will encourage many handicapped Scouts to continually strive to achieve knowing that their efforts will no longer be administratively frustrated.

Mr. Speaker, individuals are always

confronted with challenges. Some shrink from the task for want of incentive or for lack of inspiration. I believe that Greg's efforts and accomplishment should be an inspiration and incentive to us all and should serve as a reminder that adversity need not be an impediment to achievement; it can also be an opportunity to excel.●

MISSOURI LAST IN SCHOOL FUNDS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. CLAY. Mr. Speaker, a recent study by the National Education Association has made some disturbing disclosures with respect to the school system in the State of Missouri.

These startling revelations outlined in the article below evidence the distance we must go if we are to fulfill our obligation to our most valuable resource—our children:

STUDY SHOWS MISSOURI LAST IN SCHOOL FUNDS

(By Eric L. Zoeckler)

Although Missouri ranks in the top third of the 50 states in personal income, it is dead last in the share of that income spent to aid local schools, a teachers organization study shows.

The study, undertaken by the National Education Association, also discloses that the state's ranking in financial support for public schools has slipped in several other categories, even though the amount spent has increased.

The survey disclosed that Missouri ranks 15th in terms of personal income but last in the percentage of that income—3.9 percent—going to public schools.

"It is difficult to understand why Missouri, with the nation's 15th-largest school population and an identical ranking in terms of personal income, is so obviously reluctant to make a more appropriate investment in the education of its youth," commented Clarence Siebert, president of Missouri-NEA, the state affiliate of the national teachers organization.

A newly enacted state school aid formula increased the amount spent per pupil annually in Missouri by $125 to $1,425. But the increase was too small to keep the state's ranking in that category from slipping three places to 36th, the survey showed.

The $50 million increase in state aid to local schools under the new formula apparently was a "too little, too late effort," said Siebert.

"The gap continues to grow," he said. "The question Missouri now faces is, 'Can we ever catch up?' "

The study also showed that the average teacher's salary in Missouri is $12,357, about $1,900 less than the national average. The state's ranking in that category dropped one place, to 33rd, Siebert said.

In 1966, the state's average teacher salary of $5,773 a year was within 11 percent of the national average and ranked 28th in the nation, Siebert said.

Although the St. Louis area is considered one of the wealthiest in the state, many districts fall below the national average in the amount spent for each pupil.

Although the average of $1,500 spent for each pupil in St. Louis County in the 1976–1977 school year was just $64 below the national average, 11 of the 23 regular county districts spent less than the national average.

Those districts were Bayless, Hancock Place, Hazelwood, Lindbergh, Maplewood-Richmond Heights, Mehlville, Normandy, Parkway, Ritenour, Riverview Gardens and Rockwood.

Despite the new state aid formula, the amount contributed by local districts to finance public schools still remains at about 56 percent, up 7 percent from three years ago.●

PERSECUTION OF THE SLEPAKS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. UDALL. Mr. Speaker, I have joined many of my colleagues today in signing a letter to President of the Soviet Union, Leonid Brezhnev, protesting the treatment of Vladimir Slepak and his family by the Soviet police. Representative WAXMAN has taken the lead in this matter, and I commend him for it.

The Slepaks were violently arrested by Moscow police last week after they had hung a banner from the balcony of their apartment. The banner read: "Let us go to our son in Israel." In an open, democratic society, such a plea would be unnecessary, as freedom of emigration has long been regarded as one of the basic rights of every citizen. Only in countries like the Soviet Union, where human rights are consistently disregarded, would police storm into a private apartment, rip down a banner with a seemingly innocuous message, violently seize the "culprits," and spirit them away to the station house. According to one report, the police even resorted to pouring boiling water on the Slepaks from the apartment above.

Slepak is a member of the Soviet group organized to monitor the performance of the Government of the Soviet Union on the provisions of the Helsinki Accords, signed in 1975. Those accords pledged the signatory nations to honor the political rights of their citizens, including the right to be united with their families, even if that necessitated emigration. It is ironic indeed that the very group which is trying to encourage the Soviet Government to honor its pledges is showing the world that the U.S.S.R. has no intention of improving its past poor performance on human rights. The fact that the Soviet Government has chosen to persecute this group, when it must know that such an action will attract the attention of the world, shows me that the Soviets care little about the reaction in this country to this consistent, willful violation of its promises. And it makes me wonder just how much the Soviet Union values its continued economic and technological relations with the United States.

I fully support moves that President Carter may take to impress upon President Brezhnev the concern we all have with these actions of the Soviet Government. The letter we have signed to President Brezhnev will let him know of our strong feelings.●

PANAMA CANAL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. PEPPER. Mr. Speaker, often we get little reaction from voters on many issues and problems such that it is interesting to hear from citizens who have particularly strong feelings about an issue. Mrs. Roberta Lunkenheimer, such a citizen, has requested the publication in the CONGRESSIONAL RECORD of a poem she has authored concerning the Panama Canal. I appreciate Mrs. Lunkenheimer's own civic contribution, and as requested offer it for the RECORD:

OUR CANAL

From a mosquito infested swampland
Our Canal was cut across
An Isthmus to the south of us
At considerable human loss.

Brave Frenchmen, led by Count de Lesseps
Had, some twenty years before,
Tried the monstrous undertaking—
Mosquitos felled them by the score.

So de Lesseps, who was successful,
On Egypt's shifting sand,
Had to forsake swamps and mountains
And return to his own land.

Abandoned were his hopes of conquest,
Defeated by the wild terrain;
But along came Teddy Roosevelt—
To the wreckage he laid claim.

Out of the chaos he brought order,
But the colossal task embraced
Was not accomplished in a fortnight,
'Tho he proceeded with much haste.

But the speed was laced with caution—
There were Treaties to be made;
And many facts to be considered
E'er the ground work could be laid.

Senator Spooner from Wisconsin
Authored the great Spooner Act,
Which guaranteed U.S. ownership
Of all land in the Zonal tract.

Taxpayers of this glorious Nation,
The French Canal Company paid
$40 million in gold dollars;
In 1902 the deal was made,

Then to the Government of Panama,
When the Colombians rejected it,
$10 million for construction rights;
And cash for Natives, bit by bit.

An annuity of $250 thousand,
Which has nothing to do with rent,
Was agreed upon for railroad fares;
Now $2.3 million is spent.

Then in nineteen-twenty-one, to Colombia,
$25 million was paid;
This we didn't have to do—
We took their land, they said.

All this adds up to an enormous sum—
$161 million;
But our cost to the present date
Is almost $7 billion.

But what of the Treaties our Country made,
And Panama's Revolution?
She'd had trouble with Colombia—
Cessation was the solution.

But Panama needed financial help,
So Manuel Amador Guerrero
Called on Cromwell in New York,
And later became a hero.

For 'twas this frail and venerable Doctor
Who sought the needed aid;
And although Cromwell tricked him,
More valid plans were made.

'Twas then he met Phillippe Bunau/Varilla,
A brilliant de Lesseps engineer,
Who then arrived in Manhattan,
And readily lent an ear.

He worked tirelessly toward harmonizing
All the dissenting factions,
Reclaiming part of France's loss
Along with his other actions.

For Bunau/Varilla and Secretary Hay,
Acting for the U.S.A.
Authored the Treaty of 1903
That is legal even to-day.

And tho' a Frenchman, Varilla became
Ambassador for Panama;
Amador was the first President,
And Colombia had to withdraw.

The Revolution was won by Panama
With only a single life lost,
While the U.S. gunboat Nashville
Stood silently off the coast.

However, this action was nothing new—
We owned a railroad there;
And Revolutions were common place,
But in this we had a share.

So all Treaties were signed, money exchanged,
And arguments pro and con,
Preceded the great performance,
And the eventual victory won.

For ten years the unknown labored,
Directed by those who found fame—
Stevens, Goethals, Gorgas and "Teddy"
All deserve great acclaim.

Then there are the tax payers of that time,
Without whom it couldn't have been;
Mothers and wives whose men went forth
Never to return again.

Our treasured possession to the south of us
Can never be replaced,
But the enemy counts it for his own—
And reality must be faced.

But what of the years the United States,
Imparted favor to none?
Keeping the Canal open for all,
It has been efficiently run.

Do lives, money and tenure mean naught
In Universal opinion?
Must we be forced to feed the world
While surrendering dominion?

Nay, that for which our forefathers died
Should be kept whatever the cost,
For if freedom is taken away
The whole world will be lost.

But the battle is really not ours alone;
God will help if we but ask;
If applied, II Chronicles, seven, fourteen,
Is the answer for our great task.

Mrs. Roberta Lunkenheimer, Copr. Sept. 7, 1977.●

PERSONAL EXPLANATION

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Ms. KEYS. Mr. Speaker, on Friday, June 2, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters coming before the House as follows:

"Nay" on rollcall No. 403, an amendment to H.R. 12157 that strikes language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country.

"Nay" on rollcall No. 404, an amendment to H.R. 12157 that sought to strike the language prohibiting the Bank's participation in transactions in the Republic of South Africa.●

SWEDISH IMMIGRATION—LIBERALISM FAILS AGAIN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. ASHBROOK. Mr. Speaker, a lead in a Washington Post article last year read, "Immigration Produces Racial Tension, Swedes Find." Could anyone but a liberal write something that naive about anyone but other liberals? Immigration has led to major racial confrontations in Britain and in most other countries, yet liberals act like it just does not happen or will not happen. Their theories rarely are vindicated by what happens in actual practice.

Sweden has lectured the world for many years on morality of every description. Its policy toward communism has been that which, when practiced by the United States in the late 1940's, allowed Stalin to take half of Europe under his rule. and which placed the fifth of the world's population which was mainland China under the murderous yoke of Mao Tse-tung. Sweden's economic policy has become so oppressive that even Ingmar Bergman has left his native land to avoid confiscatory taxation. As the home of the "new morality," Sweden has produced a society which is not only unhappy, but which has one of the world's highest suicide rates.

But, like all leftists, Swedish officials like to preach most on subjects they know least about. No country has been more vociferous in its denunciations of South Africa and Rhodesia, or in delivering itself of supercilious platitudes about America's racial problems. But now, faced with a tiny racial minority of its own, the Swedish Government finds that none of its platitudes seem applicable.

Sweden has had its first race riot. In Sodertalje, a town of 77,000, there are 3,000 Assyrians. There, in June of 1977 there was a battle between Assyrians and young Swedes. This is a very sad thing, but if it helps Swedes to grow up a bit morally, it will have had at least one good effect. If Sweden cannot deal with a minority which makes up one in a thousand of the country's residents, maybe it will be a bit less shrill when it comes to denouncing South Africa and the United States.

But there is a lesson in the Swedish situation for Americans as well, a reminder of how absurd and dangerous liberal policy is anywhere in dealing with serious problems like immigration and race. Any adult should know that real-world difficulties cannot be handled by pious platitudes, yet it is a lesson liberals seem to be incapable of learning.

Our own immigration policy, for example, is guided by an insatiable greed for cheap labor wedded to a liberal hunger for minority bloc votes, all covered with a thin veneer of Swedish-type liberal platitudes. It is a horrible sham, a fake morality which will produce real and terrible problems with which our children will have to live.

Liberals talk about equality of opportunity, but massive immigration today means just the opposite. At the turn of the century, there was room to grow in this country, and immigrants were able to grow with the country. Today a substantial proportion of our national leadership in all areas—including the membership of this House—consists of descendants of those who entered this country at that time. But today is not the turn of the century.

Our country is full of people. If we bring in more, it will not so much improve the status of immigrants as it will lower the living standard of our own working people to the level of those in the world's poor countries. Marxists, of course, would be happy with such a situation. They would then have the land they want America to be, a land of the rich few and the starving masses, ripe for revolution. Many businessmen do not seem to care whether this is America's future, so long as they can get cheap labor now.

What are liberals going to do about 10 million illegal aliens in our country? Aliens who take away the jobs of our working men—do not fall for the claptrap that they all do stoop labor—and fill our welfare rolls? You can bet little or nothing. Maybe even make them legal. Do not we ever learn? ●

AIRLIFT FOOD TO ETHIOPIA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FINDLEY. Mr. Speaker, there are differences of opinion worldwide over the upheavals in Africa. But one issue—famine that threatens at least a million Ethiopians with starvation—must be elevated above politics, at home and abroad.

I propose that the United States invite all nations—including the Soviet Union, the People's Republic of China, Saudi Arabia, and Israel, Angola and the Union of South Africa, regardless of their differences, to join Americans in a global airlift to avert starvation.

If the peoples of the world can unite on one issue in Africa, an international famine rescue operation, the way may open for cooperation in resolving other problems on that troubled continent.

The United States can show the way—in a mercy airlift of food—to a continent which has witnessed too many airlifts of weapons and foreign troops.

Those starving in the northeastern Ethiopian province of Wollo, reduced to eating poisonous herbs and grain tainted by ergot, a fungus that can cause gangrene and convulsions, will be less inter-

ested in the political views of food donors than in a demonstration that understanding and compassion still exist in today's world.

Such an effort could be undertaken within the United Nations framework or through some other agreed system of coordination. The subordination of political differences of benefactors would show that humanity can unify in at least a limited context to save lives.

Unrelenting warfare in Ethiopia has taken peasants away from their land, reducing agricultural output and increasing difficulties in food distribution.

Food relief deliveries to Ethiopia are now stymied by inadequate port facilities. Airlift is the only way to get food to starving people in time.

An effective airlift will not only save lives, it will buy time during which the United States can help Ethiopia develop a famine prevention program. I have urged President Carter to propose such an airlift as soon as possible.●

TRIBUTE TO ABRAM PUCCIO

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. ADDABBO. Mr. Speaker, an outstanding citizen of Queens County was honored last weekend. For 45 years, Abram Puccio has been a vital force in building the Tudor Village Civic Association into one of the most respected community organizations in all of New York City. Now that he is retiring and moving with his wife to the warmer breezes of Florida, his friends and neighbors gathered last Friday evening to pay tribute to this selfless man who has given of himself so often on behalf of others.

Few people in this Nation care enough any more to spend the long and tedious hours that it takes to do community work. All too many of us turn over a contribution to charity and feel we have done our share. But thankfully there are people like Abram Puccio who fought unceasingly against apathy and cynicism to lead the community into battles to save itself as a decent and pleasant place to live. Because of him, Tudor Village-Ozone Park remains a well-balanced and vital neighborhood in comparison with the many neighborhoods of my city that have deteriorated quickly because no one cared.

Abe Puccio has led a life filled with caring about others, and so it was uniquely gratifying last Friday to have played a minor role in the salute to this wonderful man. All of us who remain in Queens owe him a deep debt of gratitude, and we wish him all the best as he begins his new life in Florida.

I insert in the RECORD this statement by Civic Association President William J. Clemente:

Our neighbors, Mr. and Mrs. Abram Puccio, will shortly leave Tudor Village, their home of forty-five years, for the warmer climate of Florida.

From the beginning, Abe has been a vital force in building our Civic Association into one of the most respected community organizations in the City of New York.

Like everyone else, we want our neighborhood to have all of the essential ingredients and services to raise our families in a wholesome environment. Yet, few people are willing to pay the price to achieve and sustain this cherished goal in behalf of their fellow neighbors. Abe Puccio is such a man.

A unique individual indeed, if we consider the growing apathy, cynicism and "me" attitude which immobilizes the human spirit.

He has given freely of his time and energies through the years. We in the community applaud you, Abe Puccio, for a job well done.●

UNDER A MUSHROOM CLOUD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BROWN of California. Mr. Speaker, the recent attention paid to veterans and others who have had occupational exposure to radiation has affected all of us in some way. Those of us who have constituents who fear they will contract a delayed illness know the personal side of this tragedy. Unfortunately, there is little that can be said with certainty about the effects of low-level exposure to ionizing radiation. Even more unfortunate is the fact that numerous new substances are being created and found which also cause terrible delayed effects. These manmade disasters are difficult to predict, and very difficult to control. My hope is that we can learn to do both, and prevent the situation of unknowingly creating new epidemics and fears of epidemics.

Mr. Speaker, the following essay from the June 12 issue of Newsweek describes, in poignant prose, the personal side of this matter:

UNDER A MUSHROOM CLOUD

(By Janet Lowe)

Just before dawn, I was jerked from a deep sleep. The bare plaster walls of my bedroom glowed a fiery red. The house must be on fire! I leapt up and dashed for the door, screaming, but by the time I clutched the knob, the room was dark again. The door opened, and my mother took me into her arms.

"Don't be frightened, it's just an A-bomb. Back to sleep now." My knees still trembled as I padded to the window, and in the first rays of morning saw a mushroom cloud rising in the sky.

I did go back to bed that morning in 1951, and I didn't worry. At least for the next 26 years I didn't worry.

After all, it wasn't the first time I'd seen an atomic bomb. And it wasn't to be the last.

Our first hint of the atomic era came in 1950 when a medical team appeared at our one-room school in Goodsprings, Nev. They were there to make blood tests and gather data for dog tags.

"Why dog tags?" I asked my older and wiser brother.

"It has something to do with Communists," he replied importantly.

Several weeks later the medics returned. They confirmed our names, then slipped the chains with embossed plates around our necks.

My brother was delighted. He had a new prop for his war games. I was miffed. As I understood it, we were to wear these things day and night forever. They simply would not go well with my Sunday-school dress.

EXCITEMENT

In my childish wisdom, I didn't see how a dog tag was going to protect me from anything. But why should I be scared? Nobody else was frightened. I'd never heard of Hiroshima or Nagasaki, and those holocaustic events were never mentioned.

Southern Nevada revved up for its big event. The A-bomb test. Excitement filled the desert. There would be demonstrators, and my Uncle Ralph, justice of the peace in the town nearest the test site, worried that his tiny jail might not be ble to hold the crowds. The law officers of Beatty (total population: several hundred) weren't trained for such things.

On the day of the first test, we arrived at school wearing our dog tags. The morning began the usual way. Pledge of Allegiance to the flag. Spelling. The teacher checked her watch again and again, and finally let us outdoors to the flagpole, for a better view. To each child she gave a pair of celluloid glasses, like those worn to watch a 3-D movie.

"Don't take them off," she cautioned, "for any reason. Watch to the north, just above Potosi Peak, and if the light seems too bright, look away." She spoke with controlled calm. A show this big didn't often come to Goodsprings.

She fingered her dog tag and glanced down the row to see that each child wore one. We stood expectantly, scanning the horizon. The minutes ticked by, the silence unbearable. A little boy jerked his neighbor's pigtail. She shrieked and we all giggled, pleased to have the silence broken.

SURPRISE

Suddenly came the flash. The earth bounced. A boom echoed across the valley and stopped abruptly. I caught my breath from the surprise of the impact.

Slowly and theatrically, a snowy column rose in the Wedgwood-blue sky. Then like an angered beast, it erupted outward with a churning, boiling motion, into a mushroom cloud. It grew even larger, above the blue and lavender mountains where miners still prospected with pick and shovel, and burros and mustangs ran free.

The great puff hung there for a long time before it began to fuzz around the edges, and disperse into the atmosphere. Calm returned to the schoolyard. The test was over.

Up in Beatty, the protesters jammed the jail. Dr. Benjamin Spock was among them. The prisoners were so peaceable that Uncle Ralph booked and released them quickly.

The tests soon became part of our lives. No explanation was offered for the dog tags, and the medical team never returned. After a while we forgot to wear the tags. They gathered dust on dresser tops, and at last were tossed out.

Afterward the nation went through a shock phase. Civil defense and bomb shelters became a preoccupation. Nevil Shute's book "On the Beach" terrified us, but eventually we began to laugh at our possible annihilation. The movies "The Omega Man" and "Planet of the Apes" provided comic relief, and, in a Dracula-like way, made our worries seem as silly as fearing vampires.

For years the tests continued, at first on the earth's surface and, finally, underground. Nobody worried about them, including myself.

Then one day last spring, word went out that the government was looking for soldiers who had observed those early blasts. They were suspected of having leukemia. Though the soldiers had been closer to the explosion, they had been exposed to only one. We had witnessed dozens.

On my annual checkup, I hesitantly told my doctor about the years we'd lived on the edge of the test side. He took my concern very seriously. "If you have been exposed to radiation or to fallout, the government will never admit it." He was cheerier after checking my thyroid and blood samples. No sign of illness.

Not yet, anyway. Cancer from radiation takes at least twenty years to develop, often longer. "Don't have any X-rays that aren't absolutely necessary," the doctor warned. I couldn't help remembering the X-rays I'd already had of ankles that were only sprained, lungs with no spots and sinuses that obviously suffered from hay fever.

HORROR

I've recovered from the initial horror that our dog tags may not have warded off evil.

Since then I've thought a lot about those early '50s. Maybe it isn't a big boom that will turn us into the zombies of "The Omega Man" or underearthlings of "Planet of the Apes." Perhaps the real danger will come in dribs and drabs. It will drop from odorless, tasteless, invisible clouds of fallout from Chinese nuclear tests. Some will come from plutonium packs lost in the Himalayas. Perhaps some danger will leak from nuclear waste that takes many thousands of years to deactivate.

Maybe other people will be just like me someday . . . a person who is usually happy, optimistic, and comfortable. Also a person who is uncertain and frightened when she thinks too much about nuclear radiation.●

VICTORY IS SWEETER

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. SARASIN. Mr. Speaker, the taste of victory, as we all know, is indeed a sweet taste, for its savors excellence and perfection and recognizes the fulfillment of potential. The taste of consecutive victories, therefore, must be even sweeter, for it exemplifies the sustenance of perfection. The Ansonia High School Chargerettes have attained this height as they became the first Lower Naugatuck Valley team to win consecutive State championships in basketball.

During the short 4 years of their existence and under the direction of head coach Margratha Chambers, the Chargerettes have demonstrated amazing dexterity and coordination to compile an outstanding record of 70–12. Their record alone demonstrates the unlimited potential and capabilities possible when real cooperation and team effort combine with a lot of spirit to create a finely tuned and fired-up team.

Under the leadership of Assistant Coach Judy Foster and Senior Captain Linda Killingbeck, and supported by the superior skills of their first 1,000-point scorer, Carol Sovinski, the Chargerettes won the class M State title with a 23–3 record, retaining the reputation they established in 1977 when they won the class L State championship with a 23–0 record. In addition to being CIAC State champions for 2 consecutive years, they have also succeeded in capturing the league titles during the 2 years they have been in the Naugatuck Valley League.

On June 4 there was a dinner in honor of these outstanding women who have given much time to both their school and community. Their dedication, hard work and fine skills have done much to reinforce the foundation of sports in our school system. It is with great pleasure that I congratulate them on their outstanding achievements and wish them every future success on the courts.●

CHAIRMAN ZABLOCKI'S ADDRESS TO THE CONFERENCE WAS A FUNDAMENTAL STATEMENT ON AMERICA'S COMMITMENT TO BASIC HUMAN RIGHTS NOT ONLY IN POLAND, BUT AROUND THE WORLD

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DENT. Mr. Speaker, I would like to share Chairman ZABLOCKI's thoughts on the issues of human rights with the Members of this House and therefore request that his speech be printed in this RECORD.

The speech follows:

REMARKS BY HON. CLEMENT J. ZABLOCKI

Your Eminence, Cardinal Krol, fellow participants and friends.

It is a pleasure to be here to participate in the Polonia 78—Polonia of Tomorrow Conference. As an American deeply proud of my Polish descent, it is most gratifying to see so many representatives of Polish descendants from practically all the countries of the free world.

The Polish people have made numerous and invaluable contributions to mankind down through the ages.

Poles have made great contributions to every field of human endeavor. Some are:

Mikolaj Kopernik in the field of astronomy and science;

Henryk Siekiewicz and Adam Mickiewicz in the fields of literature and poetry;

Pawel Wlodkowic in the field of democratic thought and civil rights in the 15th c, which became the basis of the Polish Constitution of 1791;

Stanislaw Staszyc, called by many the "father" of the Polish Constitution;

Leopold Stokowski, Frederick Chopin, Ignacy Padrewski, and Helen Modjeska in the fields of music and the fine arts;

Casimir Pulaski and Thaddeus Kosciuszko in the fields of military and political statesmanship;

Henry Kalussowski in the field of history and political thought during the 19th c, and a founder of the Polish National Alliance;

Florian Znaniecki in the field of sociology in the early 20th c.;

Marie Sklodowska-Curie in the field of physics and chemistry by her discovery of radium at the beginning of this century;

Casimir Gzowski, a Polish Canadian, in the fields of construction and engineering who, in the 19th c. contributed to the building of the Canadian railway; and

Stefan Stykolt, another Polish Canadian, who is in the 20th c. made numerous contributions, in the area of economic thought and theory.

These are but a few of many famous Poles who have fostered the great Polish heritage. They have contributed to the development of modern Western civilization and the welfare of mankind.

All of us have retained our cherished Polish customs and culture which, I as a fellow Pole, am very proud to be associated with. Like you, I am deeply committed toward preserving our Polish heritage and extending the principles of individual freedom to our brothers and sisters in Poland today.

This great, Polish heritage of the past continues in the hearts and minds of Polish people everywhere. The respect for democratic institutions and ideals, so much a part of this heritage, was again commemorated earlier this month on May 3, when we celebrated the 187th anniversary of the Polish Constitution. It is significant to note that this democratic spirit, this vigorous pursuit of human rights which is embodied in the 1791 Constitution, which the Polish people have strived for and supported, has found new emphasis in the present policies of President Carter on human rights and U.S.-Polish relations.

During President Carter's visit to Poland last year, he took particular note of the Polish Constitution and the principles it represents. Despite the long recorded history of these principles and expressions of man's basic human rights as exemplified in the Polish Constitution 187 years ago, we still find the denial of human freedom so prevalent in the world today that we must publicly establish and pursue the cause of human rights as a specific international policy.

You will recall that on August 1, 1975, 35 nations, including Poland and the Soviet Union, signed the Helsinki Accords guaranteeing fundamental freedom to all without distinction, including freedom of thought, conscience, and religion. These principles are long established and have been the basis for every formal expression of man's desire to be free from oppression and be able to exercise his God-given freedom of choice.

These principles, which recognize the dignity of the individual, were the very foundation of the U.S. Constitution in 1789 and two years later, of the Polish Constitution of 1791. At first glance, it seems remarkable that two nations so diverse in their history, culture, language, and heritage could arrive at so similar a goal almost simultaneously. Yet it is not really so remarkable when we recognize that both documents are expressions of mankind's inevitable destiny to be free.

The agreement at Helsinki, like other international declarations of human rights principles, including the universal declaration of human rights of the United Nations, could become just another historic document without practical effect. President Carter and the U.S. Congress, however, have let the world know that the U.S. will lend its strong moral support to the cause of freedom everywhere in the world. As a Polish American concerned about the repeated violations of human rights in the Soviet Union and Eastern European countries, I have sponsored, with several of my colleagues, House Concurrent Resolution 624, urging the President to continue to express U.S. opposition to the imprisonment of members of Soviet groups monitoring Soviet compliance of the Helsinki Accords.

In a similar manner, international forums such as this conference, can serve as a rededication by Polish descendants from all corners of the world to the cause of human rights and freedoms worldwide and in Poland today.

In Poland, as well as in other nations under Soviet domination, courageous champions of individual rights continue to press for relaxation of restrictions on personal freedom at great risk to themselves and their families.

In this respect, it would seem, these efforts in Poland have proven helpful and positive

for the Polish people. There have been some signs of relaxation, albeit tentative and modest, by the present Polish regime. For instance:

Last year at this time, 10 Polish workers were freed from prison after serving less than one year of an eight year sentence;

Despite recent repressive and illegal detention against those lecturing for the "Flying University," the U.S. Department of State has recently advised that most scheduled lectures were resumed and other dissident activities and publications continue with some degree of tolerance by the regime:

Last month at the Polish Writers Union Congress held in Katowice, four dissidents were elected to the Governing Board of the Congress;

Total trade between the U.S. and Poland has doubled over the last four years; and

Continued growth of cultural and educational exchange programs sponsored under government auspices and private organizations such as the Kosciuszko Foundation.

As I stated, these are positive, although modest, developments in favor of the integrity and freedom of the Polish people. It is a reflection that we Poles living in the Western world can best help our brethren in Poland not by isolating ourselves from Poland today but rather by widening contacts of all types with the Polish people.

In this respect, U.S. and private efforts to cultivate political and economic freedoms through cultural and educational exchanges and increased trade enhance the efforts toward relaxation of controls by exemplifying U.S. interest in the everyday lives of the Polish people.

Such exchanges contribute in a significant fashion towards ending the isolation of the Polish people and provide a clear mechanism to assist the people of Poland regardless of the political system imposed on them at the present time.

Let there be no misunderstanding; talking to and trading with the present Polish regime does not in any way constitute an endorsement of its system or ideology. It is rather an effective way to improve the condition of our brethren in Poland today, to mitigate against the oppressive and arbitrary regime which has imposed its way upon the Polish people.

Cardinal Wyszynski has best exemplified this principle by his actions with the Polish Regime although in no way endorsing its philosophy or principles.

Another important factor one must realize is that cultural and economic contacts between ourselves and Poland reinforce the mutual respect for democratic institutions and ideals which have long been contained in the rich history of the Polish people. Such contacts should continue even while Poland suffers under Soviet domination. A failure to pursue such contacts would not lessen this Soviet domination. Accordingly, I encourage all of us here today to broaden our efforts and those of our adopted homelands towards seeking more ways to foster a constructive relationship with Poland today.

As we pursue such efforts, we must, however, recognize that in Poland today the denial of basic freedoms is still in evidence. While we seek a constructive relationship, then, we must realize that the subject of human rights should continue to be a subject of continued discussions between leaders of our respective governments.

Although progress has been made in areas of freedom of movement and communication, there have been continued instances of denial of passports to Polish citizens anxious to join members of their immediate families in the United States. Likewise, visas have been denied others wishing to visit Poland to see their relatives.

Also of particular concern are reports from Poland regarding the continued suppression of religious houses, convents, and monasteries. Despite Premier Gierek's meeting with the Pope some months ago, the Polish government reportedly continues to harass religious institutions. With threats of closure, heavy taxes and other forms of intimidation, churches always face the prospect of being turned into public museums. Such activity is obviously not in keeping with, and indeed openly flaunts the spirit of the Final Act of Helsinki. You can be sure that if these reports can be verified that I will urge our government to take appropriate steps and express official concern to the Polish government.

Our relationship with the Goverment of Poland, therefore, must reflect both our long-term hopes for a democratic Poland and a short-term pragmatism supported by cultural contacts and trade which are necessary to make our long-term hopes possible.

We must express our concern and outrage when the present Polish regime pursues policies that oppress the Polish people. We should also recognize that it is only through cultural, political, and economic contacts that our concerns find effective articulation and foster the mutual respect for democratic institutions and ideals that we share with the Polish people.

In short, this mixture of concern and pursuance of activities that make our concerns effective should prove the most useful way of improving the conditions of our Polish brethren in Poland today as we all continue to pursue the future goal of a democratic Poland.

Our Polish-American Organizations, united in this effort, can contribute much to the fate and welfare of the people in Poland.

Thank you very much.●

A HERO IN HIS OWN TIME

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. SARASIN. Mr. Speaker, the ability to sustain and preserve human life is the highest achievement toward which man can strive. Life is, indeed, all too short and when the opportunity presents itself to enhance or prolong it, we should seize it with the greatest compassion and reverence. It is with great pride, then, that I recognize before my colleagues the outstanding actions of one individual, Mr. John E. Allen of Ridgefield, Conn., who exemplified these qualities in his uncommon concern for the well-being of another whose life was endangered. His alertness, quick thinking and Red Cross training enabled him to save the life of a 76-year-old gentleman through the application of external cardiac compression while another applied mouth-to-mouth resuscitation. There is no doubt that his meritorious action saved the life of the victim.

Trained by the Red Cross in cardiopulmonary resuscitation (CPR), Mr. Allen has been awarded the Red Cross Certificate of Merit along with the accompanying pin. It will be presented to him on Tuesday, June 13, at the Ridgefield Lions Club meeting by Mr. Donald Rowland, director of the Danbury Chapter of the Red Cross, and Marcia Bissell, their director of safety programs. This is the highest award presented by the American National Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the Red Cross. He is indeed deserving of this recognition as his actions not only reveal untold respect for human life but also serve as an example to the entire community of the importance of preparation and foresight. Together with the Red Cross and the community of Ridgefield, I applaud his commendable efforts that saved the life of one human being and demonstrated to all the importance of making CPR/first aid training a top priority in our community education.●

TRIBUTE TO R. V. DORWEILER

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. WIGGINS. Mr. Speaker, the San Gabriel Valley is rich in the heritage of California. Our State's earliest pioneers settled in this valley to begin the development of a lifestyle and unique culture which is now known and envied around the world.

The story of California, however, is not fully told by references to its unparalleled climate and its natural beauty. Modern California is the product of its people, and particularly those productive and adventuresome citizens who abandoned their homes in the East to seek new and challenging careers in California. One such citizen, R. V. Dorweiler of El Monte, Calif., recently passed away and it is wholly fitting that his enormous contribution to the growth and prosperity of the San Gabriel Valley be recognized in the CONGRESSIONAL RECORD.

Mr. Dorweiler—"R. V." to his countless friends—was born in Iowa in 1898. In his early life, he worked as a railroad brakeman. His travels took him to California more than 50 years ago, and to the advantage of the people of the San Gabriel Valley, he settled in El Monte. In short order, he invested in a Chevrolet-Oldsmobile agency—now the oldest in the valley—and became a hard-working and involved member of the community.

Literally thousands of us who have known him have had our lives touched and enriched by R. V. Dorweiler. He was an active Rotarian and never failed to offer generously of his time and resources to its good works. He was a contributor to worthy civic causes; his family attended the local schools and R. V. was an active booster of youth programs in the community.

One cannot catalog fully the contributions of R. V. Dorweiler. Suffice it to say that if the task was worth doing and help was needed, R. V. stood ready to lend a hand.

In his later years, R. V. concentrated

on his family, his Rotary activities and a string of handsome race horses.

By all accounts, my friend R. V. Dorweiler of El Monte, lived a full, useful, and happy life. I am better for having known him. We all shall miss the support and leadership of this outstanding citizen of San Gabriel Valley.●

BUCHMAN CENTENNIAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BENNETT. Mr. Speaker, I have just returned from a weekend in the Allentown and Pennsburg areas in Pennsylvania where the centennial of the birth of Frank Buchman was celebrated in these places associated with the early life of Frank Buchman, the initiator of Moral Re-Armament.

At the same time, Buchman's birth a century ago at Pennsburg was being celebrated at various places throughout the world. Outstandingly a unique world assembly for this purpose was being held in Freudenstadt, West Germany, expected to be attended by more than 1,000 people from 25 countries. The President of the German Federal Republic, Walter Scheel sponsored the German event. Buchman died in Freudenstadt in "August 1961. It was there the phrase "Moral Re-Armament" was born in 1938. For the Freudenstadt occasion, leaders in 15 countries formed an invitation committee, including government and opposition members of the German Parliament and the presiding bishop of the Lutheran Church.

In India, Prime Minister Moraji Desai opened another MRA conference in March, with the theme, "A Dynamic, Durable, Ethical Democracy."

And in Japan leaders of industry, government, and unions have called an MRA conference in late May to tackle, with Europeans and Americans, the problems of industry and trade on the basis of "what is right, not who is right."

Across America, this year sees a resurgence of Moral Re-Armament. Meetings and conferences have recently been held in Cape Cod, New York, Minneapolis, Frederick, Md., Richmond, Va., Washington, D.C., Seattle, Wash., as well as across Canada from Quebec to Vancouver. Centers for Moral Re-Armament are now established in New York, Richmond, and Cambridge, Mass. In August, Americans and Canadians will host a week's session of the World MRA conference at Caux, Switzerland, on the theme, "Change in People: the uniting idea for our time."

Buchman's first mission was to poor boys in Philadelphia, but, when his plans were frustrated by his finance committee, he resigned in deep disappointment, but expanded his horizons. In the next years he used what he had learned in life to mobilize people on every continent and create a committed network bridging longstanding divisions—personal, class, racial, and national.

Buchman launched his idea of "world changing through life changing" in the 1920's. "If you want to see the world different, the best place to start is with yourself," he said.

"MRA gives the full dimension of change," he often emphasized. "Economic change. Social change. National change. International change. All based on personal change."

He was certain that every man, woman, and child—whatever his faith or lack of it—could hear and obey God's inner promptings. Each could try the experiment, testing his actions by absolute standards of honesty, purity, unselfishness and love, and putting right past wrongs.

The redirection of one's will that follows, he demonstrated, brings lasting commitment to fight for God's government in every circumstance.

The unfolding decades since have shown that this uniting purpose provides the solvent for industrial conflicts, family feuds, and class, racial, and national confrontations.

Chancellor Konrad Adenauer of West Germany and France's Robert Schuman acknowledged Moral Re-Armament's role in the rapprochement between their two countries. The French Government awarded him the Legion of Honor, and the West Germans gave him their Grand Cross of the Order of Merit. The Governments of Greece, Iran, Japan, the Philippines, Taiwan, and Thailand also decorated him.

An ambassador who, in over 40 years at U.N. and other posts, has taken part in most major postwar conferences, gave this verdict on Buchman:

He has done three things. He saw the real problem many years before the rest of us understood it. He forged an answer out of human lives that cured the problem. He then did the hardest thing of all—he built a force of people in every continent who are bringing that answer to the world.

Buchman set out to recall America to William Penn's conviction:

Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.

The World Assemblies at Caux, Switzerland, held each summer since 1946 and often at other times, have drawn over 340,000 people from 119 countries.

MRA centers at present operate in 20 countries, enabling people of every sector of society to meet informally and talk over problems in an atmosphere of reconciliation. International teams are using films, stage productions, and books as well as seminars and conferences in expanding the moral revolution for which MRA stands. From my own observations of the movement it has been a positive force for good amongst thousands of people and in the solving of many personal, national, and international problems. It is fitting that the birthday of Buchman is being widely observed on many a distant shore.

The remarks follow:

REMARKS BY CONGRESSMAN RICHARD T. SCHULZE

It gives me great pleasure to be here with you this evening to celebrate the centennial birthday of one of Pennsburg's . . . Pennsylvania's . . . and the United States' greatest sons . . . Dr. Frank Nathan Daniel Buchman.

Frank Buchman lived his life based on four basic tenets:

Absolute honesty;
Absolute purity;
Absolute unselfishness; and
Absolute love.

How many of us here today can make the claim that we approach our public . . . much less our private lives . . . based on such absolutes? Yet Frank Buchman not only lived by his ideals . . . he passed the word . . . created his moral re-armament movement in response to the needs of the world . . . and made men around the world stop and consider . . . "It is not a question of who is right . . . but a question of what is right."

Frank Buchman was not one to pay lipservice to great ideals. He took his beliefs . . . his four tenets for christian living . . . and he made them a reality. It's particularly refreshing to reflect on Dr. Buchman's crusade . . . and his desire to make men stop and think about God . . . defense . . . and a moral ideology which seems lacking in our world today.

Frank Buchman believed that God could guide every man . . . and that . . . in turn . . . these men could change the fate of the world by allowing God to guide them . . . morally . . . in matters of war and peace. He taught men and women throughout the world that unless men change and adhere to absolute standards . . . wars . . . and the threat of wars . . . will always be with us.

Frank Buchman lived his beliefs. . . . He went to where people worked . . . and lived . . . and taught them a new way of living. He opened his moral re-armament center in Switzerland . . . and in 15 years . . . 125,000 people from 120 nations of the world came to learn from Frank Buchman. Among them were leaders of government . . . labor . . . business . . . and students. His touch pervaded all aspects of living . . . all men and women.

Frank Buchman taught us that people . . . individuals . . . make up nations . . . and the only way to change the direction of the world . . . toward peace . . . is through individual change. If every man and woman in the world lived by Dr. Buchman's four absolute tenets . . . and lived a life committed to God and each other . . . then the world today would be a different place.

Let me leave you with some words from the late Reverend Peter Marshall, chaplain of the Senate . . . which I feel sums up Frank Buchman's approach to living in our world today:

"Our Father in heaven . . . give us the christian view of our work . . . and our world. Help us to see that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail. May Thy will be done here . . . and may Thy program be carried out . . . beyond time and circumstance . . . for the good of America . . . and the peace of the world." ●

FORMER CONGRESSMAN GLEN DALE JOHNSON HONORED

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. RISENHOOVER. Mr. Speaker, a former member of this body, the Hon. Glen Dale Johnson, continues to distinguish himself in his native Oklahoma.

I wish to call to the attention of our colleagues that the Okemah Lions Club has presented Mr. Johnson with a plaque for "sincere appreciation and recognition of distinguished service, loyalty and devotion to the objectives and furtherance of Lionism." He is a charter member of that club and the award was presented by Jim Parks of Okemah.

Mr. Johnson was a member of the Oklahoma Legislature who resigned his seat during World War II to enter military service. He later served in Congress and afterward was active in the Federal Government.

He is a distinguished Oklahoman and a great American who truly deserves the recognition of his fellow Lions and all of his countrymen.●

CARIBBEAN–U.S. TRADE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. PEPPER. Mr. Speaker, the recent success of the second annual Caribbean Conference on Trade, Investment, and Development makes me proud to present for the RECORD the opening address delivered by the Honorable Philip F. Ashler, Secretary of Commerce for the State of Florida. Mr. Ashler's eloquent remarks, which I had the pleasure of hearing personally while attending the conference, reflect the importance that our country places on the Caribbean area and the increased role that southern Florida is playing in the development of pan-Caribbean commerce. I take pleasure in commending the Florida Department of Commerce, and Mr. Ashler personally, for their efforts in expanding in a most beneficial way our existing relationships with our Caribbean neighbors. Thus, I offer this address for the RECORD hoping that it will make us more aware of the vital, growing links between our country and the peoples of the Caribbean:

WELCOMING REMARKS BY THE HONORABLE PHILIP F. ASHLER

Thank you, Luis. That modest young man failed to introduce himself. He is Luis Lauredo, the general chairman and the man basically responsible for all that is going on here yesterday and the next two days.

And for that effort, I shall introduce you first by saying "Luis, then Ambassador Todman, Mayor Ferre, Congressman Pepper, distinguished speakers, ladies and gentlemen, friends all".

On behalf of Governor Ruben Askew of the State of Florida, I welcome you officially to this very important and significant conference. And as the Secretary of Commerce of the State of Florida, I am pleased to offer my personal welcome to all of you at this the Second Annual Caribbean Conference on Trade, Investment and Development.

And it is only fitting and proper that the Conference—a conference of this magnitude and significance—should be held here in the Sunshine State, in spite of today's weather, . . . in the beautiful State of Florida . . . and that it should be held during this period in our State's history. In recent years there has been a reawakening of interest in the Caribbean Basin area—an awakening the likes of which we have not seen in the last two hundred years.

Three centuries ago the economic strength of the entire Western Hemisphere was centered in the Caribbean sea. Historians are fond of telling us that the prime reason why no serious effort was ever made to settle what is now called the United States of America was because none of the great powers in Euorpe thought it was economically worthwhile. And yet it is an historical fact that on May 21st in 1667, a hundred and seventy five years after Columbus, at the Treaty of Breda that the British ceded the area now called Suriname to the Dutch in exchange for New York. The Dutch were not at all displeased because the deal included not only New York, but northern New Jersey and the State of Delaware. And the Dutch were pleased because they felt that this land was worth a lot more than that which they were giving up elsewhere.

Now the pendulum of history—remember somebody sold Manhattan Island for 24 bucks . . . I often wondered what happened to those folks . . . and what would happen to them . . . well, you know, a few years ago you could not have sold Manhattan Island for 24 dollars—and now, the pendulum of history is swinging towards the Caribbean and this "renewed interest" in the Caribbean will be the basic theme of our conference.

Let me talk for a moment just about one aspect of this theme—mainly, the role that the State of Florida can play in helping to develop and sustain this historical interest and to promote trade and investment in the Caribbean region. For some years Florida has been referred to, as our Mayor told you, as "The Gateway to the Americas." And this title is correct insofar as it went, although it merely tended to relate solely to the movement of peoples among the Americas. The reasons why Florida evolved as the Gateway of the Americas are twofold. The first is really a natural accident of geography. On a straight-line basis, Florida is that part of the continental United States that is closest to the Caribbean islands and all of Latin America. The other formidable factor in this process can be traced to the advent of modern, large-scale commercial aviation, which has tended to shrink the size of the world and bring all of us much closer together.

The airport here in Miami is second in the United States only to JFK in New York in terms of international travel. And we have reason to believe that JFK will soon fade into second place to be replaced by Miami International in the not too distant future.

However, there is now being added a new dimension to the role of the State of Florida in the affairs of this hemisphere. Florida is now emerging as the "Business and Cultural Center of the Americas." Some refer to us as the "Wall Street of the Americas"; others, "The New Pulse of the Americas"; and still others, "The Heart of the Americas." Now, these aren't titles dreamed up by local reporters in Miami. But these are accolades that were developed by such distinguished journalists as those who write for the New York Times, Forbes, the Harvard Business Review and others. In a recent issue of the Harvard Business Review they included this part of the State of Florida in the same category as Paris, France, calling it one of the three worldwide "Global Cities of the Future." Now these accolades resulted from a great number of detailed studies which were conducted by some of the most respected economists and demographers in our country. They considered as many as 43 variable factors, ranging all the way from availability of international financial institutions to the ability of your employees to worship in churches or synogogues of their choice. And not to be outdone by the publishing media, many of the multinational corporations, some of them of the more prestigious Fortune 500 group, did much the same study and arrived at the same conclusion. Namely, that if you want to do business in more than one Caribbean or Latin American country, you can do it better from Florida than any other place in the world.

Now this conference, as important as it is, is only one of the many upcoming events which demonstrate the new role of Florida in hemispheric affairs. The next international event of exceptional significance to be held in Florida is the City of Miami Trade Fair of the Americas. Eighteen nations of the Western Hemisphere are participating in this commercial encounter, sponsored by the Organization of American States and developed with an active support of the City of Miami and the State of Florida.

And in closing, let me assure you that my office, the Department of Commerce, will spare no effort to assist you and your fellows in expanding these existing relationships and doing everything we can to create new ones to our mutual benefit. Thank you for being with us.●

GEN. WALTER T. KERWIN, JR., CHAMPION OF THE USAR

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BADHAM. Mr. Speaker, in the preamble of the Constitution we find the phrase "to provide for the common defense." It has been my observation that the retiring Vice Chief of Staff of the U.S. Army, Gen. Walter T. Kerwin, Jr., has contributed immeasurably to the Army's role in providing for the common defense during his more than 40 years of service to our flag.

Particularly noteworthy has been General Kerwin's advocacy of properly sized, equipped, and trained Reserve forces as an essential element of the total force. Knowing that as a Nation we no longer have the luxury of assuming a lengthy period of time for mobilization to counter any future crisis, General Kerwin has provided leadership in bringing the Army Reserve components to a high state of readiness.

General Kerwin has been aptly termed "Champion of the USAR" in recognition of his support of the Army Reserve. The Senior Army Reserve Commanders Association has adopted a resolution commending General Kerwin for his contributions to the Army Reserve, and I am pleased to submit their resolution for inclusion in the RECORD:

RESOLUTION OF THE SENIOR ARMY RESERVE COMMANDERS ASSOCIATION

Whereas General Walter T. Kerwin, Jr., was appointed Vice Chief of Staff of the United States Army on 21 October 1974, and

Whereas, during his tenure as Vice Chief of Staff, General Kerwin has emphasized the role of the citizen soldier as a full partner in our Nation's military forces, and

Whereas General Kerwin has engendered among Active Component personnel a broader understanding of the vital role of the Army Reserve in providing for the common defense, and

Whereas General Kerwin will be placed on the retired rolls on 30 June 1978, culminating over forty years of patriotic service to the US Army,

Now therefore be it resolved, the Senior Army Reserve Commanders Assn hereby recognizes and commends General Walter T. Kerwin, Jr. on the occasion of his retirement and bestows upon him the title "Champion of the USAR".

Approved by the executive committee: 1 Jun 78.

NORRIS E. SILLS,
Major General, USAR,
President.●

BATTLE OF SARATOGA

HON. PAUL S. TRIBLE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. TRIBLE. Mr. Speaker, on April 14, 1978, Vice President MONDALE announced that the Service Life Extension Program (SLEP) work on the aircraft carrier *Saratoga*, would be performed in the Philadelphia Naval Shipyard. This announcement prompted considerable debate within the Navy and among the members of the House and Senate Armed Services Committees.

In an article in Barron's, Shirley Scheibla outlines how the decision was made to award the *Saratoga* to Philadelphia and what has happened since the Vice President made his announcement. Ms. Scheibla summarizes her article in these words:

The questions boil down to whether the Administration is playing politics with the nation's security, getting less bang for its Navy bucks and losing an opportunity to prevent the decline of the only yard in the country capable of building carriers.

Mr. Speaker, I believe we must move swiftly to insure that the *Saratoga* goes to that shipyard that can perform the work most economically, expeditiously, and effectively. I urge my colleagues to read Ms. Scheibla's article in Barron's, a copy of which follows:

BATTLE OF SARATOGA—POLITICS MAY WIN THE DAY FOR THE PHILADELPHIA NAVY YARD

(By Shirley Scheibla)

WASHINGTON.—Vice President Walter Mondale recently made an astonishing announcement which went virtually unnoticed in the press. He said that the government was giving a $496 million aircraft carrier overhaul job to the Philadelphia Navy yard to make up for a broken Presidential campaign promise not to close the Frankfurt Arsenal in Philadelphia.

The action came at the behest of Rep. Joshua Eilberg (D., Pa.), who got President Carter into hot water by persuading him to fire David Marston as U.S. Attorney in Philadelphia because of his investigations into corruption. (The Congressman reportedly is now under investigation by the Department of Justice.)

Billions of dollars are involved, since the first carrier overhaul, on the U.S.S. Saratoga, is likely to be followed by at least three more and perhaps as many as eight. Yet the decision to award the work to the Philadelphia Navy Yard was made with no cost analysis to see if it would be cheaper to do the work at a private yard. (Tenneco's Newport News Shipbuilding is the only one capable of handling it.) In fact, the Administration's decision ran counter to the advice of its own Navy experts.

THREAT OF LAYOFFS

In an unprecedented move, the House and Senate Armed Services Committees have voted not to authorize money for the work until the Navy supplies a cost study. Moreover, 22 Representatives have asked Comptroller General Elmer B. Staats to make an extensive analysis of the Administration's decision.

Newport News Shipbuilding has been unable to book adequate forward work and faces the likelihood of laying off between 3,000 and 4,000 employes by 1980, when the Saratoga overhaul is to begin. Contrariwise, the Philadelphia Yard will have to hire around 2,700 workers to handle the job.

What the detailed questions for Staats boil down to is whether the Carter Administration is playing politics with the nation's security, getting less bang for its Navy bucks and losing an opportunity to prevent the decline of the only yard in the country capable of building carriers.

The Saratoga overhaul will be the first under the Administration's so-called Service Life Extension Program, or SLEP. The strategy is to extend the service life of the dozen carriers afloat 15 years beyond their normal span of 30. One project will be launched every 28 months, with the first to begin in October 1980. Without SLEP, the Administration's proposed ship program would reduce the nation's carrier force to one third of its present strength by 1994.

Last June, Rep. Eilberg wrote to the White House about the closing of the Frankfurt Arsenal and the need for the Administration to provide government jobs and economic adjustment assistance to Philadelphia. The President replied that to reverse the Ford Administration's decision to close the Arsenal could be justified from neither an economic nor security standpoint. "Immediately following this determination, the President's Economic Adjustment Committee took steps to plan and implement an economic recovery program for Philadelphia . . . ," wrote the chief executive. He went on to say that the program aimed to increase employment of the Philadelphia Navy Yard by 700 in October and by another 2,000 in 1980.

TUGGING AND HAULING

After some further political tugging and hauling, Vice President Mondale on April 14 announced: "I'm pleased to join with the U.S. Navy in announcing that the transfer of the U.S.S. *Saratoga* to the Philadelphia Navy Yard will bring more than 2,600 new jobs to Philadelphia. Shortly before the 1976 election, I made a commitment to keep the Frankfurt Arsenal open, if President Carter and I were elected. I made that commitment in good faith and made a sincere and conscientious effort to fulfill it after we took office. However, in March 1977, the Defense Department concluded that the previous Administration's decision had gone too far to be reversed, and I was forced to concede that I could not keep that commitment. For the past 15 months my staff and I have been working with local and state officials to find new jobs for arsenal employes and create job opportunities in Philadelphia to help reduce the social and economic impact of the decision to close the arsenal. . . . I am pleased that our efforts . . . have now been successful."

Less than 24 hours earlier, Navy Secretary W. Graham Claytor, Jr., told a press conference in Philadelphia that he had not yet decided on where the *Saratoga* should go. His decision, he added, would be made "on the basis of what is considered in the best interest of the Navy, and nothing else."

The Senate Armed Services Committee entered the fray nearly a year ago, when it issued a report which said: "It seems inconsistent to project serious declines in future private yard work forces and at the same time plan to increase Naval shipyard work forces to perform . . . the SLEP. Further, the committee is not convinced the Navy's current plans represent the least cost approach.

"Accordingly, the Secretary of the Navy is requested to review current Navy plans and be prepared to justify the recommended procurement approach in connection with the FY 1979 authorization request. In addition, a copy of the cost comparison study of the in-house versus contractor costs, as required under the provisions of OMB Circular A–76, should be made available to this committee when completed."

At the time Vice President Mondale announced that the Saratoga would go to Philadelphia, the Navy still had not supplied the justification and cost study. But now Claytor must come up with the analysis. Rep. Paul Trible, a Republican from Newport News who is a member of the Armed Services Committee, introduced an amendment to the Defense Authorization Act which says there'll be no money for SLEP without a comparison of costs of doing the work at private and Navy yards, and that Congress will have 60 days to study the comparison. The Committee approved the amendment 10 days after the Mondale announcement. On May 5, the Senate Armed Services Committee, passed a similar amendment introduced by Sen. Harry F. Byrd Jr. (Ind., Va.).

WEIGHING WAGES

Trible also wrote Comptroller General Staats a letter signed by 22 colleagues asking an analysis of the decision to award the Saratoga SLEP to Philadelphia. The Congressmen also sought his opinion on who should get the job.

Rear Admiral H. A. Hoffmann is deputy commander of the Naval Sea Systems Command, and Director of the Industrial and Facility Management Directorate. Last October he testified before the House Budget Committee's Task Force on National Security and International Affairs: "Wages paid to naval shipyard blue collar workers are as much as 12% higher than those paid to private shipyard workers in the same geographic area."

Yet Everett Pyatt, Deputy Assistant Secretary of the Navy, who is guiding the SLEP program, told Barron's that labor costs for the Saratoga job would run the same at Newport News and Philadelphia. At Philadelphia, the 1,500-member Saratoga crew would help with the overhaul, handling such duties as paint scraping, security, fire watch and checking out electronic equipment. Since the pay for Navy enlisted men is lower than that of civilian shipyard workers, Pyatt says that makes the labor costs come out even. (At

Newport News, only about 300 crew members would remain with the ship.)

Still, the calculations also must include the pay of thousands of Navy yard workers who come under Civil Service. A couple of years ago, the Office of Management and Budget was requiring the government, in deciding whether to contract out work or do it inhouse, to figure retirement costs for Civil Service workers at 24.7% of pay. Pyatt says that is probably the true cost, but the Military Appropriation Act last year lowered the figure to 7.14%. "It looks like the 7.14% will be in the bill for fiscal 1979 too, and that is the figure we used on our cost analysis," he explains.

If the Navy estimates labor costs the same at Newport News and Philadelphia, total costs at each then depend a great deal on which yard handles material more efficiently. At the end of March, the General Accounting Office issued a report which condemned material handling by Navy yards. They had inadequate estimating techniques and work measurement systems, and then overbought.

Material purchased, but not used, has accumulated during the years and much of it is unidentifiable. Other items have been scrapped or declared excess and disposed of. The Norfolk Navy Yard did not use 38% of the material ordered for its six most recent carrier overhauls, GAO said, and it sometimes ordered material available in the yard. The GAO report also noted that a Navy Audit Service report on the Philadephia yard said that 56 of 71 job orders showed significant variances between actual results and those sought, but never were investigated to determine the causes.

"A ROUGH FIRST CUT"

A 1972 report for the Navy by Booz, Allen & Hamilton found that it cost 30% more to build ships in Navy yards. Pyatt said he doesn't know of anything to change that finding. Last year, at the request of the Secretary of Defense, the Navy studied the advisability of assigning possibly 10% of new construction to Navy yards, but decided against it because of the higher costs involved.

Nobody can be sure of the final cost for the Saratoga SLEP, no matter where it's done. James W. Griffith, director of public relations for Newport News, explains: "Overhauling a ship is a little like rehabilitating a house; you can't be sure of the cost until you go into the walls and take a look at the wiring."

Pyatt agrees. While the Navy-Mondale announcement used the figure of $496 million, Pyatt told Barron's, "I tried to put 'about $500 million' in the press release announcing the contract award because the price is a rough first cut. But I was too late." Offered a bet that it will be much more than $500 million, Pyatt replied, "I'm not taking any of those bets."

Newport News and the Navy still have not settled their differences over the Vinson, a nuclear carrier now on the ways. The company is continuing construction under an interim arrangement under which the Navy pays costs plus 6 percent until a final contract is signed. Newport News blames unwise contracts for the dispute, and says its newer ones for submarine overhaul are working out well. They call for cost plus incentive fees, with a minimum guaranteed fee of 4-5 percent and a maximum up to 14 percent for outstanding performance. Newport News would like a similar contract for the Saratoga.●

WOMAN'S IMAGE ON DOLLAR COIN

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Ms. KEYS. Mr. Speaker, I am today introducing legislation which I hope will resolve the controversy over which American woman's image should appear on the new dollar coin. The woman I am supporting for this signal honor is a great Kansas lady who—far beyond Susan B. Anthony or the mythical Miss Liberty—has had an actual hand on the monetary affairs of our country; Georgia Neese Clark Gray, who was the first woman Treasurer of the United States.

Georgia was a successful and respected midwestern banker and business leader from Richland, Kans., when she was chosen as U.S. Treasurer. While Treasurer, she traveled across the country and made numerous speeches urging women to take active leadership roles in Government and business. She said of that time, "I never worked harder in my life than when I was U.S. Treasurer; I knew I had to make good on behalf of American women." The rising profile of American women at all levels of business and government owes a great deal to the boldness and vigor with which our first woman Treasurer pursued her duties.

I would like to insert an editorial statement from the Topeka Daily Capital which sets forth Georgia's many excellences:

[From the Topeka Daily Capital, June 1, 1978]

LET US HONOR GEORGIA

There's no reason for government officials to wrangle over whether to put the image of Liberty or of Susan B. Anthony, early-day women's rights champion, on the new, smaller dollar coin.

Let them honor Mrs. Georgia Neese Gray, first woman treasurer of the United States.

Azie Taylor Morton, now U.S. treasurer, says the coin should bear the image of a woman who has contributed to the history of the United States.

So searchers need look no further than to Topeka's Mrs. Gray. Her 1949 appointment to the treasurer's post made history.

Mrs. Frances Perkins had been named secretary of labor by Franklin Roosevelt in 1933, but extremely few women held high office by the 1940's. So when Harry S. Truman named the Kansas Democratic National Committeewoman to the treasurer's post it was a big boost for women's rights.

Mrs. Gray's service as U.S. Treasurer—a position which put her signature on millions of pieces of U.S. currency—was the high point of a busy and continuing career.

She was on the stage in the 1920's and was a farmer, storekeeper, elevator operator and banker at the small city of Richland. Since her return from Washington, she has been a Topeka banker, active in political and civic affairs.

When Truman appointed her, Mrs. Gray had the support of Kansas' two Republican senators. It was evidence of the esteem in which she is held by people of all political faiths in the state.

It is particularly appropriate to introduce this legislation today, as it was on this day in 1949 that President Harry S. Truman nominated Georgia for this high post. I hope my colleagues will agree that the first woman whose signature appeared on our paper money should also appear on our new dollar coin.●

INVESTMENT TAX CREDIT AND AGRICULTURE

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BLOUIN. Mr. Speaker, for several years there has been continuing confusion over the proper interpretation of the Revenue Act of 1971 as it relates to the applicability of the investment tax credit vis-a-vis agriculture-related structures. Moreover, with President Carter's tax reform proposal to make the present 10-percent investment tax credit permanent, it would seem logical not to limit its applicability to the construction of new and the rehabilitation of existing buildings—defined in this particular proposal as manufacturing and utility buildings—but rather to make this credit applicable across the board.

It is for this reason, therefore, that I have today introduced legislation that would amend the Internal Revenue Code of 1954 to make the 10-percent investment tax credit permanent and that this credit be made applicable to the construction of all new buildings, as well as the rehabilitation of all existing buildings effective January 1, 1978.

I feel that the passage of this type of legislation is necessary for two very important reasons. First, such legislation would clarify once and for all the questionable IRS interpretations of the past as it relates to agriculture-related structures, and so forth. Second, rather than limiting the applicability of this credit to only a portion of the private sector, it would rightly extend this feature to all segments of the private sector. In my mind, this would be of enormous benefit to small business and agriculture as a whole.

I would, therefore, like to insert in the RECORD at this time a copy of this proposed legislation for the House's consideration.

The text of this legislation follows:

A bill to amend the Internal Revenue Code of 1954 to make the investment tax credit applicable to certain buildings and their structural components and to make permanent the 10 percent investment tax credit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INVESTMENT CREDIT MADE APPLICABLE TO CERTAIN BUILDINGS AND STRUCTURAL COMPONENTS.

(a) IN GENERAL.—Subparagraph (B) of section 48(a)(1) of the Internal Revenue

Code of 1954 (defining section 38 property) is amended by striking out "(not including a building and its structural components)" and inserting in lieu thereof "(including a building and its structural components)".

(b) Conforming Amendment.—Subparagraph (B) of section 1245(a)(3) of such Code (defining section 1245 property) is amended by striking out "(not including a building or its structural components)" and inserting in lieu thereof "(including a building and its structural components)".

(c) Effective Date.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1977, but only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 1977, or

(2) which is acquired after December 31, 1977, and shall apply to taxable years ending after December 31, 1977.

SEC. 2. 10 PERCENT CREDIT MADE PERMANENT.

Subparagraph (D) of section 46(a)(2) of such Code (relating to amount of investment credit allowable) is amended—

(1) in clause (i) by striking out "and before January 1, 1981,";

(2) in clause (ii) by striking out "and before January 1, 1981, and placed in service by the taxpayer before January 1, 1981,"; and

(3) in clause (iii) by striking out ", and before January 1, 1981".●

PERSONAL EXPLANATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FORSYTHE. Mr. Speaker, on Friday, June 2, 1978, and on part of Thursday, June 1, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters before the House as follows:

"Yes" on Rollcall No. 392, the rule under which H.R. 12050, the Tuition Tax Credit, was considered; "Yes" on Rollcall No. 397, the rule under which H.R. 12157, a bill amending and extending the Export-Import Bank Act of 1945, was considered; "Yes" on Rollcall No. 398, the rule under which H.R. 15, the Education Amendments of 1978, is to be considered.

"Yes" on Rollcall No. 399, a motion for the House to resolve itself into the Committee of the Whole House to consider H.R. 12157, a bill amending and extending the Export-Import Bank Act of 1945; "No", on Rollcall No. 401, an amendment to permit the Eximbank to guarantee, insure, or extend credit to South Africa as long as it also extends credit to or is authorized to extend credit to Communist countries.

"Yes" on Rollcall No. 402, a motion for the House to resolve itself into the Committee of the Whole House for further consideration of H.R. 12157; "No" on Rollcall No. 403, an amendment to strike the language prohibiting the Eximbank's participation in transactions in the Republic of South Africa; and "Yes" on Rollcall No. 404, an amendment striking language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country.●

INTERNATIONAL SISTER CITIES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. PEPPER. Mr. Speaker, it is quite worthwhile to observe how very well the fine concepts and noble ideals upon which the international Sister City programs were founded are faring around this Nation. I recently had the distinct honor of attending the presentation of the fifth annual Roberto Clemente Humanitarian Award at a dinner hosted by my friends of the Hialeah-Managua Sister City Committee in Hialeah, Fla., and was equally honored to present a Roberto Clemente Silver Medallion myself. The recipient of the 1978 Roberto Clemente Humanitarian Award, Mr. Gordon Darling, is being so honored for his work in making possible the visit to the Japanese sister city of his Vallejo, California, community of a group of Vallejo's youngsters. Mr. Darling's 25 years of unending service to his community can serve as an inspiration to all of the fine men and women of America who selflessly dedicate their efforts to the betterment of mankind. I find it personally very touching to behold the genuine efforts of people often unknown to each other, and many miles apart, helping one another with no benefit of personal gain but that of the satisfaction of having done something to better understanding among peoples as has been occurring through the Hialeah-Managua Sister City program. Hence, Mr. Speaker, I am proud to offer for the RECORD this fine report of the activities of my friends at the Hialeah-Managua Sister City Committee for the information of the Members of Congress and all who read this RECORD:

Hialeah's award-winning Sister City Program with Managua, Nicaragua, has been nominated for an unprecerented seventh national award.

In cooperation with the Hialeah-Managua Sister City Committee, the city has received six consecutive Reader's Digest Foundation Awards for various projects in behalf of beleaguered Managua which has been Hialeah's Sister City since 1963.

According to Mayor Dale G. Bennett, the Committee has "a very positive opportunity" to obtain another national award at the Town Affiliation Association National Convention in St. Louis for its paramedic program.

The first one to receive a Technical Assistance Grant from the Federal Government, the Committee's paramedic program has been one of the projects which has helped to put Managua back on its feet since the December 1972 earthquake.

Among the many welfare and lifesaving projects of the Hialeah Committee was the donation of two surplus ambulances to the citizens of Managua. Personnel in Managua to make use of the two ambulances were practically non-existent. The subsequent project of the Hialeah-Managua Sister City Committee was to initiate and update the instruction of people from Managua in rescue and lifesaving techniques, ultimately leading to the initiation of a very successful paramedic training program.

The program consists of a jointly sponsored effort by Hialeah Hospital and the Sister City Committee and is the first of its type by a Sister City Committee with its foreign counterpart.

Initially, the instructors for Hialeah Hospital taught 38 students who were accepted in Managua, to give adequate and personal live instruction. To obtain a basic knowledge of emergency oriented procedure: the mechanics, extraction, transportation, local traffic patterns, communication, public contact, and any situation which could arise in modern paramedic procedures. Specifically during the two-week course, the following subjects were covered: general orientation to the emergency medical systems, oxygen therapy, neurology, shock, childbirth, hemmorrhage, fractures, drownings, burns, poisoning, drug overdose, cardiopulmonary resuscitation, cardiac general anatomy, and initial assessment. At the end of the course, 26 of the 38 students passed tests and were qualified as paramedic personnel. During the course in Managua, Jorge Gil of Hialeah Hospital assessed the following equipment and repaired it: a blood gas machine which was donated by Great Britain and two ventilators.

With the help of a Technical Assistant Project Grant from Sister Cities International, the second phase of the paramedic program was launched and it consisted of update training of the 26 previous students and the initiation of a new training program.

A local television station volunteered to film the work of the Hialeah Hospital team and produced a documentary which would help continue instruction and help acquaint the people of Managua with the new service. The second two-week emergency medical training program in Managua was carried out late in 1977 for 30 students but due to some guerrilla warfare, it was necessary for six to withdraw from the class.

The program consisted of: general orientation to Emergency Medical Systems, initial assessment, cardiopulmonary rescuscitation and practice, coma, burns, shock, trauma of the head, neck, chest, abdomen and extremities, childbirth, poisoning and drug overdose, management of Cardiac Disturbance, IV therapy, and communication, records, and supplies. The Hialeah Hospital instructors also gave practical experience to the students by "on the scene" trainin; at emergencies.

Both the short term and long term objectives of the project have been accomplished. Initially the City of Managua was equipped with qualified paramedic personnel to administer basic life supporting measures. On a long term basis, the program has and will provide additional trained paramedics for Managua as well as for the country. Those previously trained are now in the position of conducting training programs themselves. We now feel that the paramedic training program has saved hundreds of lives and is providing benefit to the entire Managua area in addition to Nicaragua itself.

A Vallejo, California community volunteer worker has been selected for the fifth annual Roberto Clemente Humanitarian Award presented by the Hialeah-Managua Sister City Committee and the City of Hialeah.

Gordon Darling, who was nominated by Vallejo Mayor Florence E. Douglas, won out in the final judging over three other finalists who included the late U.S. Senator Hubert

H. Humphrey, Mrs. J. C. "Louise" Chargois of Lafayette, Louisiana and Dr. Susie C. Holley of Florida Memorial College.

Darling, who has given more than 25 years of service to Vallejo, was selected by a panel of judges of the presidents of the colleges and universities in Dade County.

He joins such previous winners of the award as Herbert L. Bellamy of Buffalo, New York; M. L. "Tigue" Moore of Lafayette, Louisiana; Caesar Murphy of Passaic, New Jersey and Rafael M. Estevez of Hialeah, Florida.

The Clemente award, named for the late Pittsburgh Pirate baseball star who lost his life while on a relief flight to Managua, Nicaragua, Hialeah's Sister City, is based on dedicated, unselfish community service, amount of time and effort and work over and above regular duties.

GORDON DARLING, RECIPIENT, FIFTH ANNUAL ROBERTO CLEMENTE HUMANITARIAN AWARD

The fifth annual Roberto Clemente Humanitarian Award is presented to Gordon Darling, of Vallejo, California, who has an exemplary record of community volunteer work over a period of more than 25 years.

According to Mayor Florence E. Douglas of Vallejo, Mr. Darling has raised funds personally to send Vallejo children to Japan on a Sister City trip, has solicited more than $12,000 worth of clothing and supplies for earthquake victims in Guatemala and has been active with minority groups for which he won the Vallejo Human Relations Award.

Mr. Darling, in his years of service to Vallejo, has deprived himself and his family from summer vacations in order that he could work for the youth of the community.

Serving as a volunteer with no pay of any sort, he has felt compelled to do this for his community because, as a youth, he was an orphan and many leaders of the community helped him struggle through his early years and he has sought to pay back the debt by helping children in return.

All of his free time has gone to the youth of the community on weekends and evenings in addition to summer vacations.

Many of the youngsters he has helped and guided have since gone on to professional football, professional baseball, the Air Force Academy and the Olympic Games.

He has taken on the responsibility of seeing that many crippled children visit Disneyland knowing that more than 80 percent of them die before they reach the age of 15.

His involvement goes beyond his regular job because he is a member and works for such organizations as the Kiwanis Club, Sister City Committee, YMCA, Junior Chamber of Commerce, Red Cross, Greater Vallejo Recreation District, San Francisco Youth Programs, Boy Scouts, Veteran's Hospitals and the Salvation Army.

Active with youths, many of whom are from disadvantaged homes, he works with all sports-minded organizations in the community.

In 1975, Mr. Darling guided the appearance of a Little League All Star team from Japan playing against the Vallejo Baseball All Stars, with more than 25,000 viewing the game in San Francisco's Candlestick Park.

He has also engineered the appearance of a Vallejo high school All Star Baseball team in Japan playing an All Star team from Vallejo's Sister City of Akashi.

More than 22,000 children from Vallejo have been spectators at San Francisco Giant baseball games, 49ers Football games and the 1960 Winter Olympics in Squaw Valley because of Gordon Darling.

Among his awards are: National Recreation, U.S. Marines, Armed Services, American Red Cross, San Francisco Giants, Key Man, Century YMCA, Radio Free Europe, Boy Scouts of America, and one of five selected for California's Man of the Year.

All of the organizations in which Mr. Darling participates, as well as the youth of Vallejo, are much richer because of his efforts. He is truly of the same mold as Roberto Clemente.●

THE CYPRIOT ISSUE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. TEAGUE. Mr. Speaker, several weeks ago I received a letter from one of my constituents who has worked and resided in the Cypriot area for a number of years in which he discussed at great length the moral issue of Greek-Turkey-Cyprus problem.

I asked him if he would give me permission to place his letter in the RECORD for the benefit of my colleagues. He has given his permission, and I commend its reading by all:

COLLEGE STATION, TEX.
May 12, 1978.

Hon. OLIN E. TEAGUE,
2311 Rayburn House Office Building, Washington, D.C.

SIR: I have been disturbed in recent weeks to read and hear editorials favoring military aid to Turkey solely on the basis of Turkey's undoubted addition of strength to NATO.

Nowhere have I heard voices raised in support of Turkey's moral position.

I have been visiting and working in Turkey since 1952. At the same time, I have lived in Greece for two years, and have worked on Greek projects. I hope to spend more time in both countries in the future.

Lastly, my home at the time of the Cyprus War was in Greek-Cypriot Nicosia. I had both Greek Cypriot and Turkish Cypriot friends.

On Cyprus I was struck by the differences in dialect, food, architecture and customs between Greek Cypriots and mainland Greeks. When I pointed this out to my Greek Cypriot friends, or friends in the Greek Embassy in Nicosia, thinking it a compliment, I was always rebuked with the comment: "No. We are Greeks. Cyprus is Greek." Learned Greek Cypriot archaeologists, it seemed, even misinterpreted their evidence to show that Greeks had colonized Cyprus as far back as the Late Bronze Age. Acquaintances bragged that they were in EOKA.

Turkish Cypriots, on the other hand, seemed proud to be Cypriots, even though they were in a very poor position, whatever the causes, in the country.

Greek Cypriots, even though they enjoyed the best of the country, brought about their own troubles, of course, by the coup that brought the worst possible elements to power. The Turkish Cypriots were badly outnumbered by those who now planned to make Cyprus completely Greek.

The Turkish army had no choice but to intervene. No one else would have protected the Turkish Cypriots on Cyprus.

As an American, after intervention, I felt safe only when in the Turkish occupied zone, even though most of my friends previously had been Greek Cypriots. We were warned by Greek Cypriot "friends" to leave the country at once, because we were American. Shortly after we left, of course, the American Ambassador was killed by Greek Cypriots.

Yet all this time in the United States there were repeated calls for Turkish military withdrawal from Cyprus. Sometimes the calls were for the withdrawal of all foreign troops, which meant the same thing.

Is there any doubt whatsoever that the outcries in the United States came first from Greek-Americans? The outcries were nationalistic in origin, having nothing to do with the best interests, moral or otherwise, of the United States. Is there any doubt that had the Turkish army not intervened that the Turkish Cypriots would have suffered terribly?

On my last trip to Cyprus, I met some of my Greek Cypriot friends who had so loudly proclaimed their "Greekness" before, but who now realized that the Greek army could not or would not come to their aid.

"You must understand," the garage mechanic told me, "that we are Cypriots, not Greeks. We have our own ways, our own customs. We could get along well with Turkish Cypriots if only we were left alone. It was just a few crazy EOKA types who caused the war. They did not represent the people."

As I drove away from the garage I looked back and saw the huge, old sign in his window: EOKA . . . CYPRUS–GREECE.

Again and again I heard similar comments from Greek Cypriot acquaintances. They were repeating what had always been clear, but by their blindness they had brought about their own defeat. Earlier they had the best possible Mediterranean world.

American treatment of Turkey since the Cyprus War has been wrong, and it has been politically inspired by Greek-American politicians.

America should consider her friendship with Turkey for many reasons, not least because it is the right thing to do.

Sincerely yours,

GEORGE F. BASS.●

TAXES TAKE 47 CENTS OF EVERY DOLLAR

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. RUDD. Mr. Speaker, a taxpayers' revolt is taking place today in the State of California.

Voters there are expected to approve the Jarvis-Gann initiative, Proposition 13 on the State ballot, which will slash property taxes to 1 percent of the 1975–76 assessed full cash value and impose a constitutional requirement of a two-thirds vote if the legislature wants to increase State taxes.

Government bureaucrats and vested interest groups that rely on public funds are gnashing their teeth over this tax cut referendum. But no one can blame the people for approving the Jarvis-Gann initiative. How else can the public control or stop the wild and irresponsible spending excesses of Government?

According to Department of Commerce statistics, taxes at all levels of Government now take about 47 cents out of every dollar earned in the United States.

Following is a breakdown of this in-

formation from the January 1978, "Survey of Current Business:"

[In millions]

Total personal income	[1] $1,600,500
Less government benefits payments	[2] 212,500
Total earned income	1,388,000
Federal expenditures	[3] 446,700
State and local expenditures	[4] 276,200
Less Federal revenue sharing	72,200
	204,000
Total government expenditures	650,700
Percentage of total earned income taken for government expenditures	46.9 percent

[1] "Survey of Current Business," U.S. Department of Commerce, January 1978, page 11, table 10, line 1, 4th Quarter of 1977.
[2] *Ibid*, line 15.
[3] *Ibid*, page 12, table 12, line 12.
[4] *Ibid*, page 12, table 13, line 13.

Mr. Speaker, a taxpayers' revolt is a perfectly natural and understandable reaction when Government at all levels is taking almost 47 cents out of every dollar earned by the people, in order to pay for government programs—many of which are wasteful and inefficient.

The people are correct in their belief that this is much too much, and that only resolute action such as passage of the Jarvis-Gann initiative will control reckless government spending and taxation.

I am reminded that English serfs in bondage during pre-Revolutionary times were required to give their masters 2 days of work out of every 7.

Today, the American people are required to give an average of about 2½ days each week of their working time—of their earned income—to the government via taxation. At the current level of taxation, people work for 132 days each year just to pay their taxes, before they can count any of their earnings for their own food, clothing, shelter, and family recreation.

I know that I join millions of Americans in hoping for passage of the Jarvis-Gann initiative in California. Many other States are expected to follow suit by passing similar measures designed to bring about Government fiscal responsibility and reduced taxes.

We could do with some of this fiscal restraint and tax reduction at the Federal level, which is why I am cosponsoring several bills to end Federal deficits and balance the budget, and to provide permanent tax cuts for the people and productive enterprises as a way to increase economic freedom and job-producing economic growth.

Whatever follows the Jarvis-Gann initiative, one message is clear: The people are demanding relief for the overburdened taxpayers. I applaud this action. It is long overdue. Maybe we can control excessive Government and reverse the trend before we get any closer to having the Government take more than half our earned income—truly making taxpayers economic slaves to the recipient class—for Government programs. ●

INSURERS LOBBY AGAINST SELF-INSURANCE TRUSTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. LAFALCE. Mr. Speaker, my Subcommittee on Capital, Investment and Business Opportunities has undertaken an extensive investigation into the product liability problem plaguing our Nation. Our report recommended, as an interim measure to ameliorate this problem, that businesses be permitted to create product liability trusts, and to fund them with pretax dollars. This recommendation was concurred in by the Federal Interagency Task Force on Product Liability, headed by the Department of Commerce. At present, there are over 20 bills pending in the House which would affect this proposal, cosponsored by almost 150 Members.

In our hearings, this concept was supported by virtually all witnesses except those representing the insurance industry. Recently, the insurance industry has undertaken a massive lobbying effort to thwart these proposals. As is noted in a recent editorial from Business Insurance, the insurance industry position is inconsistent: On the one hand, insurance companies have been and continue to be "vocal about the 'product liability crisis' and the need for tort reform limiting corporate liability for product injuries." However, largely as a result of the "lucrative markets" they stand to lose, they have swung their massive bulk" behind the opposition to a measure that would alleviate the situation, and when opposing this particular approach, argue that there is no real problem. They simply cannot have it both ways.

The editorial, which follows, notes these and other inconsistencies in the insurance industry position:

[From the Business Insurance, May 29, 1978]

TAX BREAKS FOR RESERVES CAN ONLY HELP

Unbeknown to many risk managers, the insurance industry is quietly pouring loads of money into a massive lobbying effort to thwart a proposal which would give corporations tax breaks for self-insurance reserves.

The need for such a measure became patently clear as the product liability problems of this country have come into focus in recent months. Corporate America was faced with product liability risks of a magnitude that caused insurance companies to begin charging high prices for their policies covering these losses. Thus, commercial insurance buyers reported facing another very real problem: not being able to afford to buy product liability insurance.

Yet, recognizing that there was no other feasible way for them to prepare ahead of time for these losses, by pre-funding them using tax-free dollars, buyers of insurance got behind a legislative plan that would help solve the insurance affordability problems. The proposed law would enable companies to build internal product liability loss reserves, while taking tax deductions for the funds they set aside for this purpose.

At the same time, the insurance industry has been equally vocal about the "product liability crisis" and the need for tort reform limiting corporate liability for product injuries.

Though it appeared insurance buyers and underwriters were on the same side of the fence on this issue, at second glance it becomes evident this is far from true.

The insurance industry, recognizing it stands to lose what amounts to a lucrative market should their customers suddenly find it advantageous to build internal self-insurance reserves for product liability losses, has swung its massive bulk behind the opposition to the bill.

Risk managers, if they are to convince Congress that there is indeed a product liability problem, must move now to counteract the insurers' lobbying. Tax breaks are necessary for companies which want to build self-insurance reserves against liability losses and which are willing to get actuarial certification that these reserves are reasonable and warranted. This annual actuarial or independent assessment of reserving practices would go a long way toward preventing abuses of such a tax loophole, a major reason why the insurance industry says it is opposing the bill.

Why is the industry so concerned that small businesses won't be able to adequately fund their self-insurance reserves, leaving some injured person uncompensated or under-compensated for an injury? Though the industry steadfastly maintains there's plenty of product liability insurance available—albeit at a steep price—there's evidence a growing number of businesses are going without any coverage at all, because they either can't afford the premiums or don't think the insurance offers enough value for the price. Since there's not now and not likely to be any legislation requiring companies to buy product liability insurance, it seems much more important at this juncture to assure that companies without insurance have an incentive to fund their future liabilities another way, lest they be unable to compensate injured parties for damage done.

There's another glaring inconsistency here. Insurers have maintained for years that there's inadequate financial capacity for them to underwrite all of the liability coverage being demanded. Now to have them turn around and oppose a measure which would actually help to alleviate this capacity shortage—if there is one, and we think there is—leaves us baffled. Do we or do we not want to encourage companies to pay their own losses at the lower levels, to free up underwriting capacity for catastrophic coverage? ●

TRIBUTE TO CHAIRMAN CLEM ZABLOCKI

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DENT. Mr. Speaker, today I wish to pay a fitting tribute to a dear friend and colleague; one who has made a lasting contribution to the cause of human rights around the world. CLEM ZABLOCKI, the distinguished Chairman of the House Committee on International Relations, is among the foremost advocates of civil and human liberties for all people. Among other priorities, Chairman ZABLOCKI is committed to translating the 1975 Helsinki Accords from a mere state-

ment of principles into lasting reality, thereby achieving the guarantee of fundamental freedom for all people without distinction, including the freedom of thought, conscience and religion.

As a Polish American, proud of his ancestry, Chairman ZABLOCKI has repeatedly demonstrated his concern over the violations of human rights in the Soviet Union, Poland, and other countries. Through the sponsorship of House Concurrent Resolution 624 he seeks to express American opposition to the imprisonment of those Soviet citizens who are attempting to monitor Soviet compliance with the Helsinki agreements.

Mr. Speaker, on May 27, 1978, Chairman ZABLOCKI was the featured speaker at the "Conference on Polonia 78—Polonia sponsored by the Polish American Congress and the Canadian Polish Congress in Toronto, Canada. The purpose of this conference, attended by over 1,500 Polish delegates from all over the world, was to establish a set of principles and create a framework to bind together people of Polish descent in the spirit of cooperation and brotherhood.●

ED BEARD FIGHTS ITALO-AMERICAN SLUR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BIAGGI. Mr. Speaker, as an Italo-American I wish to pay tribute to my distinguished colleagues from Rhode Island, ED BEARD who recently demanded and received an apology from the president of the Rhode Island Press Club who was responsible for presenting a totalling disparaging song at a recent function in Kingston, R.I.

The song was a clear slap at Italo-Americans and tragically enough—was uttered in the presence of distinguished present and former Rhode Island elected officials including former Senator John Pastore, former Governor Notte and present Providence Mayor Vincent Cianci. The song was an attempted piece of satire but was so tasteless that it forced Senator Pastore to leave the room.

ED BEARD whose wife is an Italo-American demanded an apology and the very next day, the responsible party did so.

Ethnic humor is one thing when done in good taste. However under no conditions could this be considered anything but a damnable attack on the Italo-American community.

I praise my colleague for his prompt response to this incident and it further demonstrates his inherent sense of justice. He has demonstrated this time and time again as a Member of Congress and the Italo-American community is in his debt for his championing of their rights to be free from defamatory remarks.

At this point in the RECORD I wish to insert two press accounts of the incident. Due to the utterly tasteles nature of the song, I have deleted the words. I assure my colleagues that they were the height of bad taste.

The press accounts follow:

[From the Echo, Apr. 6, 1978]

CONGRESSMAN BEARD DEFENDS ITALIAN AMERICANS

Congressman Edward P. Beard has called a song presented at the Rhode Island Press Club's 10th annual Governor's Night show "a direct and vicious attack on the entire Italian American community."

The song, "Federal Hill Things," is set to the music of *My Favorite Things*, and was written by Mike Cabral of radio station WPJB–FM, a Providence *Journal* owned station.

According to Beard, the song was a "blatant attack on Italians, specifically Chief Justice Bevilacqua, trying to tie his name with the ACI and rackets."

Beard has demanded a public apology from the Rhode Island Press Club be made to residents of Federal Hill and to persons of Italian American heritage. "It was a disgraceful attack on the Italian American people of the state and was totally without need."

Rhode Island's leading newspaper carried an account of the roast and the protests made over the song in its April 3 edition, but it was "buried" next to the legal announcements in the second section.

Again, this newspaper reveals its true colors toward Rhode Island's Italian American community, especially in view of the coverage that has been given Lt. Gov. Thomas DiLuglio in recent weeks. While front page articles with bold headlines seek to discredit DiLuglio, coverage of an event that slaps the faces of one-third of the state's population merited only a corner of a page deep within the bulk of the issue.

Given the overall attitude of the local press and its idea of "humor" it would not have been surprising to see the article on the comic page.

In a telephone conversation with *The Echo*, Jack Kavanaugh, president of the Rhode Island Press Club, stated that the Governor's Night is a rough roast. "It always has been and it will continue to be."

Does this mean that insults and discredit will replace satire? That bias and prejudice will replace humor? That the Italian American community can expect the press to continue its abuse, cynicism and lack of integrity?

Kavanaugh stated that "Mr. Cabral, who could not be reached for comment, felt the audience was mature enough to handle this type of humor. Kavanaugh further commented that "technically no apology should be needed for statements made in the format of a roast."

A final question * * * the minds of all Rhode Islanders and specifically the Italian American community. If these people of the Rhode Island Press Club represent the news media of this state, the same people who mold the news, how unbiased can they possibly be in doing their job?

[From the Evening Bulletin, Apr. 3, 1978]

CLUB OFFERS APOLOGY FOR OFFENDING SONG

PROVIDENCE.—Jack Kavanagh, president of the Rhode Island Press Club, has apologized to anyone who may have been offended by a song, "Federal Hill Things," sung during a "roast" in North Kingstown Saturday night attended by about 350 newsmen and public figures.

Kavanagh's comments came yesterday in response to a demand from Rep. Edward P. Beard that the club "apologize publicly" for singing the song, which Beard called "a direct and vicious attack on the entire Italo-American community."

Lyrics to the song, written by Mike Cabral, a reporter for WPJB–FM radio, and in the form of "My Favorite Things."

The song was sung as an encore after the Press Club's 10th annual "Governor's Night" show, held at the Quonset "O" Club and billed as a satiric revue of the news.

The audience included Governor Garrahy, former Sen. John O. Pastore, former Governors Philip W. Noel, Frank Licht, John A. Notte Jr. and Dennis J. Roberts, Providence Mayor Vincent A. Cianci, Jr. and Beard.

Pastore reportedly walked out of the club when the song was sung.

Beard, whose wife is an Italo-American, yesterday said he thought the song was "disgraceful and totally uncalled for," and that it had elicited "outrage from about 90 percent" of the audience.

"If the song has gone on for another two minutes, I think John Pastore would have taken a heart attack," Beard said.

"They'll try to tell you it was 'humor.' They'll try to get out of it that way. But you don't pinpoint one nationality with derogatory references and call that 'humor.'

"What that song said was that Italians, especially those on Federal Hill, are the bottom of the barrel, period."

Beard said he wanted the Press Club to "apologize publicly, first of all to all the residents of Federal Hill, and then to Senator Pastore. Marguerite Garrahy (wife of the governor) and all others of Italian extraction who attended that shambles . . . and then to anyone else (the club) may have offended."

Kavanaugh, a WJAR–TV newsman, said he had not known the song was to be sung. "It came as a complete surprise to me," he said.

"Quite a few people took offense at that one particular number," he acknowledged, "and to those people who did, the Press Club publicly apologizes and sincerely regrets."

However, he said, "Governor's Night is a rough roast. It always has been and it will continue to be."●

ARMS CONTROL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for June 7, 1978, into the CONGRESSIONAL RECORD:

ARMS CONTROL

These are the undisputed facts of the arms race:

In 1970 the nations of the world spent $200 billion on military arms, but this year they will spend $400 billion, more than a billion dollars a day.

Regular armed forces throughout the world have increased to 23 million in 1978, 7 million more than in 1960.

Every year the largest industrial nations export weapons worth $8 billion to the poor nations, almost three times as much as in 1970.

Since the early 1970s the United States and the Soviet Union have increased their nuclear stockpiles from 8,000 to 14,000 warheads.

With one tax dollar in six going for the purchase of weaponry, the average family

pays more to support the arms race than to educate its children.

The crushing financial burden of the arms race has many adverse effects. It clashes with worldwide development efforts, stimulates inflation, contributes to unemployment, makes cooperation among nations more difficult and threatens international stability. These effects and others have led the nonaligned nations to demand that the United Nations General Assembly convene a special session on disarmament. That session is now being held in New York City.

The arms control conference had its origins in a general dissatisfaction with the slow progress toward disarmament. Many nations desired a forum in which they could express their concern to the major military powers. These nations are asking for restraint in the development and use of nuclear and conventtional weapons, commitment to spend a portion of arms control savings for economic development, achievement of regional limitations on weapons and forces, acceptance of non-military security measures such as notification and early warning, and multilateral mechanisms to deal with arms control issues. The conference, which is just getting underway, will have few immediate results because disagreements are too great for a quick solution. In any case, the purpose of the conference is to discuss arms control, not to negotiate arms reductions.

Although no new disarmament accords will be reached, it is helpful to call attention to the basic facts of the arms race and to describe the problems of arms control accurately. The latter task is not as simple as it may seem. The disadvantages of the arms race are apparent, but so are the reasons for it. Heavy armament has provided security, fostered self-confidence and prevented a major war for more than 30 years. It may also be helpful to point out inadequacy of the present attempts to control arms. By forcing all nations—especially the superpowers—to defend their arms control policies in full public view, some positive pressure for change may be brought to bear.

What progress there is may go beyond general ideas about disarmament. The special session has already produced specific, technical proposals to control arms. French President Valery Giscard d'Estaing, one of the 20 heads of state or government attending the conference, suggested that the UN orbit satellites to monitor troop movements and missile emplacements. Vice President Walter Mondale advocated the creation of a special UN peacekeeping force and the use of aerial photography and sophisticated listening devices to lessen tensions in trouble spots. Other concrete proposals are being made.

Arms control talks have become more common and more productive in recent years. The UN Conference of the Committee on Disarmament, which is co-chaired by the United States and the Soviet Union, is one of the principal forums. Among its recent successes are the Limited Test Ban Treaty, the Treaty of Non-Proliferation of Nuclear Weapons and other agreements. The most important arms control efforts at present—the Strategic Arms Limitation Talks—are the continuing negotiations between the United States and the Soviet Union on the limitation and reduction of nuclear weapons. Efforts are also underway to secure a ban on nuclear explosions and the development and production of chemical and radiological weapons. Talks have been going on in Vienna for five years on the mutual reduction of armed forces and armaments in Central Europe. Other initiatives would limit arms in the Indian Ocean and control foreign transfer of conventional weapons and anti-satellite systems.

True arms control is an arduous process involving nothing less than improved security for all nations and a stable world order in which human talents and energies may be devoted to the basic needs of people. It is easy to regard this process with cynicism and a sense of futility, but such an attitude will only ensure failure.

It has been our policy for many years that soundly conceived, verifiable arms control measures can provide a safer, more durable and less expensive way of defending our nation. I believe that the Congress and the American people support this policy and will work for it.●

WHAT NEW YORK ASKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. RANGEL. Mr. Speaker, in view of the fact that the New York City Financial Assistance Act of 1978 is being considered by the House today, I would like to share a New York Times editorial with my colleagues.

The editorial clearly enumerates the city's valiant effort to meet its financial problems and the urgent need for the Federal Government and Congress to support this effort:

WHAT NEW YORK ASKS

In its fashion, New York City has now pulled its act together. It has squeezed more aid from New York State, held its employees to a raise that is less than half the current rate of inflation, and repaid every cent of emergency Federal loans, with interest. Before that, during three years at the edge of bankruptcy, it reduced its work force by about 20 percent, let its plant and equipment deteriorate to an appalling degree, revolutionized its bookkeeping systems, raised taxes, froze wages, increased transit fares and imposed tuition at its university. It delayed repayment of its debts and pressured its workers to invest their pension funds in the citys' future.

All this to avert the chaos of formal bankruptcy, to keep alive a vestige of self-government, a chance of an early return to the private bond markets and of economic revival. All this to atone for past mismanagement and extravagance. And all this out of pride that New York is special and capable of retaining its cultural pre-eminence while serving as the nation's foremost poorhouse.

Now, after all this, New York City turns again to Congress to request one more measure of extraordinary assistance: a Federal guarantee of up to $2 billion in loans to permit the orderly refinancing of a huge debt, the essential repair of public facilities and a gradual shift to reliance on private lenders. The smug will find many reasons why even now New York City deserves no special consideration; they might be won over only if the city changed its name to Lockheed. But the honestly skeptical should know as they listen to Mayor Koch before the Senate Banking Committee today that he speaks not for decadence or socialism but only for survival and continued sacrifice in the most competitive and hard-pressed city in the land.

We do not pretend to know whether the latest commitments that Senator Proxmire and his Banking Committee demanded before considering the loan guarantee were entirely reasonable. Quite properly, they wanted to see the outlines of the next contract between the city and its 200,000 workers. Well there it is: a 4 percent raise this year and 4 percent next. There remain outrageous work rules and work habits, and the Mayor should have established at least the principle of union collaboration in their undoing. More important, he might have used the present crisis to set a pattern for sharing future savings and surpluses—50 cents of every dollar, say, for wage increases, a quarter for the taxpayer, a quarter for the capital construction budget. He has not achieved an ideal labor compact.

But what governmental unit has? The fact is New York has negotiated its workers into a gradual reduction of their real income while persuading them to invest significant portions of it in bonds that banks and private citizens would not buy. That is the measure of New Yorkers' self-help. Moreover, to guarantee continued fiscal prudence, the city and its unions have submitted to the discipline of a state control board that will monitor city budgets for a generation. And the inevitable consequence of a Federal loan guarantee will be yet another monitor in the Federal Treasury.

A loan guarantee will not assure the city's economic health. More than half a million jobs have disappeared from New York in a decade while millions of poor people moved in. More than sacrifice and prudence are needed to assure the long term health of New York and other major cities. Nor is it clear that a loan guarantee is essential to stave off bankruptcy for another year or two; a few more Federal tideover loans might work as well. But only a guarantee will let responsible New York managers escape the quarterly shortages of cash and the burdensome bulges of the debt. What is so promising about a guarantee is the long-term aspect, which would let the city plan for survival over a period of years instead of weeks.

It is not charity the city seeks, only a chance.●

ANNUAL QUESTIONNAIRE RESULTS IN MICHIGAN 15TH CONGRESSIONAL DISTRICT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FORD of Michigan. Mr. Speaker, I am pleased to submit for the RECORD the results of my annual questionnaire survey of the residents in Michigan's 15th Congressional District, which I have the honor to represent.

These percentage results represent the tabulation of the first 10,000 replies. Questionnaires are still being returned daily, but not in sufficient number to affect the overall results.

This annual survey, Mr. Speaker, is one of the most valuable projects that we carry out each year. There is no more effective way I know to obtain such a broad cross-section of opinion among my constituents.

In addition to a number of questions on specific areas of national concern, I have asked my constituents each year

to tell me what they consider the most important problems facing our Nation. Over the years, several items have consistently appeared in the top four or five—crime, inflation, unemployment, energy and drugs.

This year, for the first time, inflation headed the list, chosen by 23 percent of the respondents as the single most important problem facing our Nation. Another 12 percent listed it in the top 3.

I think it is significant, also, how my constituents replied when I asked them in what areas they would increase, and decrease, the Federal budget.

The great majority—61 percent—would decrease spending for foreign aid. Nearly half would cut spending for welfare programs, and 29 percent would reduce the budget for space exploration.

Energy research emerged as the most popular area for increased spending, followed closely by programs to fight crime and drug use, programs to aid senior citizens, and for health, education, and jobs programs.

For the first time, I included on this year's questionnaire a box for the respondents to mark their age group. The results show that the largest number—36 percent—were in the 45 to 60 age group, followed by 32 percent aged 30 to 45, 20 percent under 30, and the rest over the age of 60.

I am sure these survey results will be of interest to you, Mr. Speaker, and to our colleagues here in the Congress:

1. Congress is considering several plans to help middle-income families meet the rising cost of college education for children. At present, Federal grants and subsidies are available only for those with family incomes of less than $15,000. President Carter is urging a higher income limit to extend Federal assistance to middle income families—defined as those with incomes up to $25,000, for outright grants, and up to $45,000, for subsidized loans. What is your opinion?

a. Agree with these higher family income limits, 55%; b. Prefer even higher family income limits, 14%; c. Prefer lower family income limits, 18%; d. Other, 13%.

2. Many American farmers are protesting what they consider inadequate profits, and are asking that the Federal government guarantee them "parity" in farm prices—basically, a pricing system to ensure profits each year. Opponents argue that this would mean using the consumer's own tax dollars to keep his food bill high. Some economists point out that farmers, like any other businessmen, should expect price fluctuations, and should be prepared to deal with ups and downs in the market place. What do you think?

a. The Federal Government should guarantee farm profits, 14%; b. Farm prices should be regulated by supply and demand, 74%; c. Other, 14%.

3. Foreign imports continue to have a drastic effect on employment and on business profits in the United States. The problem is aggravated by the practice of some nations of "dumping" their products onto the American market—that is, subsidizing their manufacturers so that their products can be sold at below-market prices. What do you think is the answer?

a. Establish higher tariffs on all imported goods, 24%; b. Set limits on how much can be imported from any nation, 34%; c. Negotiate with other nations to forbid "dumping", 33%; d. Other, 9%.

4. Congress is considering legislation to curtail the growing problem of "runaway plants." The legislation would restrict the practice of businesses moving their factories or offices to other states or areas to take advantage of lower taxes, cheaper labor or other economic advantages, leaving behind unemployment, vacant property and lowered tax bases. This bill would require companies to give advance notice of such closings and provide economic justification for any move, and would provide Federal aid to workers and communities affected by plant closings. What do you think?

a. Agree with this legislation, 53%; b. Disagree with this legislation, 47%.

5. Alarmed by the potential insolvency of the Social Security Trust Fund, Congress was forced last year to pass emergency legislation increasing the tax rate and wage base on Social Security payments by both workers and employers. We are now considering a plan to use general Federal revenues to stabilize the Trust fund, and at the same time cut substantially (from 6.13% to 3.90%) the rate paid by employers and employees. This is even proposed as an alternative to President Carter's proposed tax reduction. What do you think?

a. Favor this plan rather than the increased rates, 49%; b. Favor this plan as an alternative to tax reduction, 2.4%; c. Oppose this plan, 14%; d. Other, 13%.

6. The nation's total cost for health care this year to citizens and the government will exceed $180 billion, and by 1985 is expected to reach nearly $400 billion. To help stop this appalling inflation, Congress is considering legislation to create a National Health Insurance Program to provide complete health care for all. It would be financed through a payroll tax like Social Security, but not connected in any way with the Social Security Program. Some would prefer to provide such insurance only for catastrophic health problems, while others would leave health insurance entirely in the hands of private companies. Which do you prefer?

a. National Health Insurance for everyone, 39%; b. Federal insurance only for catastrophic illness, 23%; c. Let private companies provide health insurance, 31%; d. Other, 7%.

7. Experts agree that the world is fast running out of fossil-fuel resources—oil, gas and coal—but cannot agree on the primary energy source for the future. In the meantime, the United States is importing more and more petroleum and the cost of energy continues to rise. Which of the following do you think should be stressed in our national energy policy?

a. Conservation; reduction of individual energy use, 18%; b. Exploration for new sources of petroleum, 14%; c. Development of alternate sources; nuclear, solar, etc., 48%; d. More dependence on U.S. coal reserves, 14%; e. Other, 6%.

8. Congress is considering a Federal Budget of over $500 billion, and will be considering proposals to increase or decrease this budget in various areas. In which of the following areas would you reduce the Federal budget?

a. Foreign Aid, 61%; b. Welfare Programs, 49%; c. Space Exploration, 29%; d. Military spending, 21%; e. Jobs and Training Programs, 11%; f. Education, 7%; g. Fighting Crime, Drugs, 5%; h. Health, 5%; i. Senior Citizens, 4%; j. Energy Research, 3%.

9. In which of the following areas would you increase the Federal budget?

a. Energy Research, 40%; b. Fighting Crime, Drugs, 31%; c. Senior Citizens, 30%; d. Education, 26%; e. Health, 26%; f. Jobs & Training Programs, 22%; g. Military Spending, 16%; h. Space Exploration, 9%; i. Welfare Programs, 2%; j. Foreign Aid, 0.5%.

10. What do you consider the single most important problem facing our nation today?

a. Inflation, 23%; b. Energy, 13%; c. Crime and Drugs, 9%; d. Unemployment, 4%; e. Taxes, 3%.

What do you consider the next two most important problems?

a. Crime and Drugs, 18%; b. Energy, 17%; c. Inflation, 12%; d. Unemployment, 8%; e. Health Care, 6%; f. Taxes, 6%; g. Welfare, 6%; h. Education, 5%; i. Senior Citizens, 4%; j. Government Spending, 3%.

11. Occupation of persons responding to the questionnaire survey:

a. Housewives, 20%; b. Retirees, 12%; c. Skilled Workers, 9%; d. Unskilled Workers, 9%; e. Professionals, 8%; f. Office Workers, 6%; g. Educators, 5%; h. Engineers, 5%; i. Salespersons, 5%; j. Supervisors, 5%; k. Technicians, 4%; l. Building Tradesmen, 2%; m. Students, 1.5%; n. Self-Employed, 1.5%; o. Farmers, 0.1%; p. Unspecified, 6.9%.

12. Age groups of persons responding to the questionnaire survey:

a. Under 30, 20%; b. 30–45, 32%; c. 45–60, 36%; d. 60–65, 3%; e. Over 65, 9%.

DEFENDING PRESS FREEDOM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DRINAN. Mr. Speaker, the U.S. Supreme Court decision on May 31 in the case of Zurcher against Stanford Daily has shocked the American people. Citizens were very distressed to learn that the Court had upheld the right of police authorities to search a newspaper's office without any showing of probable cause of criminal activity by the newspaper's employees.

To overturn the effects of this decision, I have introduced H.R. 12952, the Press Protection Act of 1978. My bill would protect the rights of the electronic as well as the print media and would prohibit the kind of search undertaken in the Stanford Daily case. Because I believe the Congress must strengthen and secure the press' freedom to publish or broadcast without fear of indiscriminate search and seizure, I am asking my colleagues to join me by cosponsoring the Press Protection Act.

The following editorial in the June 2 Boston Herald American demonstrates the fallacy of the Court's ruling and thereby shows why Congress must reverse the Stanford Daily decision.

The editorial follows:

NEW CURBS ON A FREE PRESS

There is a tendency, on the part of the media, to over-react sometimes when it perceives that a danger threatens to undermine the freedom of the press. But the immediate and almost universal expression of outrage over the U.S. Supreme Court's ruling on Wednesday—giving the police broad new powers to invade newspaper offices without prior notice and to rummage through files,

desks or wastebaskets in search of evidence which may or may not be useful in solving a crime—is thoroughly justified.

The Fourth Estate isn't crying "wolf." The danger is real this time. At worst, the Supreme Court's decision is a serious threat which could result in widespread harassment of the media and hamper the ability of the press to protect its sources of information and thereby keep the public adequately informed. At best, the decision represents a continuing chipping away of constitutional rights and freedoms guaranteed not only by the First Amendment, but by the Fourth and Fifth as well.

The case decided by the court involved a student newspaper at Stanford University. Its premises had been searched by the Palo Alto police who were looking for photographs of participants in a campus protest demonstration. Two lower federal courts had ruled that the search was illegal, but the Supreme Court reversed those rulings.

If this were an isolated incident, perhaps there would be little cause for fear. But unfortunately it is not. Jack Laudau of the Reporters Committee for Freedom of the Press points out that policemen have conducted 10 similar newsroom searches in California, and that a television station in Rhode Island and a wire service office in Montana have also been raided recently.

Such raids are almost sure to escalate in view of the Supreme Court's new ruling. What effect will those raids have? Justice Potter Stewart supplied the answer in a strongly-worded dissenting opinion:

"Protection of (confidential news) sources is necessary to insure that the press can fulfill its constitutionally designated function of informing the public, because important information can often be obtained only by an assurance that the source will not be revealed.

"It requires no blind leap of faith to understand that a person who gives information to a journalist only on condition that his identity will not be revealed will be less likely to give that information if he knows that, despite the journalist's assurance, his identity may in fact be disclosed . . .

"It seems obvious to me that a journalist's access to information, and thus the public's, will thereby be impaired."●

THE ROAD TO PROSPERITY—PART VII—THE WASHINGTON POST IS BOTH FOR AND AGAINST CAPITAL GAINS TAX REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. STEIGER. Mr. Speaker, last Friday, the Washington Post ran an interesting editorial, "Rich, Poor and Taxes," questioning the Investment Incentive Act. This is a proposal which I have sponsored to return to the pre-1969 tax treatment for capital gains. The Post is perplexed by the wide support my proposal has garnered. The Post also berates our citizens for allegedly no longer being generous, just concerned about their economic well-being.

In light of the economic misfortunes which have beset this country over the last decade, it is no wonder the average citizen is concerned about his or her well-being. High inflation, the threat of joblessness, and general economic doldrums have been the tone for this period.

In another editorial today, the Post succinctly states why the people are unhappy, and why we need the Investment Incentive Act. The editorial, "The Federal Deficit," reveals that State and local governments are overflowing with funds. Second, we have a huge trade deficit because we are not competitive either domestically or internationally with our foreign competition. Last, business is not investing in new plant, equipment, technology, or jobs.

Unfortunately, the Post made the erroneous conclusion that the solution is more Federal deficit spending. That is the problem, not the solution. The people want the State and local governments to reduce their taxes, not run surpluses. Rather than continuing a Federal deficit, the people want less spending and lower taxes. This would reduce inflation and free more funds for investment. New companies could start up. Existing firms could expand and exploit new technologies to promote American competitiveness in the world market. One step is to promote capital development by reducing the capital gains tax. I hope the Post finally sees the light. The editorials follow:

[From the Washington Post, June 6, 1978]

THE FEDERAL DEFICIT

The size of the federal budget deficit is drawing more hostile attention than ever, as congressional anxieties over inflation rise. There seems to be a prevailing inclination to regard federal deficits as a national bad habit, like smoking, to be broken by exercise of will power. It's quite true that in the past several years the deficits have been, by any previous standard, stupendous. The rule has always been that a bigger deficit means greater stimulation of business activity—and yet, despite a $45-billion deficit last year and one estimated at $53 billion this year, the current growth rate is at best uncertain.

The explanation is that the federal government tilts its budget to counterbalance other things that have gone awry in the economy. Before Congress gets carried away with deficit-reduction fever, it might want to consider a bit more carefully what the deficit is offsetting. Before you take away the prop, you're always wiser to find out what it's holding up. In this case, there are three points at which the American economy has got monumentally out of line since the last recession four years ago.

(1) State and local governments are suddenly running a gigantic surplus. It's now something over $30 billion a year and, apparently, rising. About half represents the sums being paid into state and local employees' pension funds. The rest results from inflation, which raises taxes at a time when circumstances—the effect, for example, of falling birth rates on school costs—are slackening the pressure for state and local spending.

(2) The United States is spending vastly more abroad than it earns. The net outflow on goods and services was $20 billion last year, and so far this year it's running substantially higher. This outflow is due partly to the very large American imports of foreign oil. Partly it's due to low economic growth in other countries, reducing the demand for American exports. President Carter's energy policy, and business conditions in Japan and Europe, are all elements in setting the size of the U.S. budget deficit.

(3) American business is investing somewhat less, currently, than it has usually done at this stage of the business cycle. By the end of last year the shortfall in business investment appeared to be running in the range of $6 billion.

Each of those three factors represents purchasing power that is being taken out of the U.S. economy or, in the case of investment, expected and accustomed purchasing power that isn't being put in. If you add the three together—$30 billion in state and local surpluses, more than $20 billion in foreign deficits, a $6-billion shortfall in business investment—it comes to a total that's even a little larger than the $53 billion federal budget deficit. That's why the country can run a huge federal deficit without seeing any great spurt of economic growth.

The point of this arithmetic exercise is a simple one. There is a danger in reducing the federal deficit, if all those other imbalances continue to run at their present levels. The purpose of the deficit is to restore, at one point in the economy, the purchasing power that is being drained out at others. Those drains, if they are not offset, will make the economy run more slowly until, before long, it tips into another recession. The safe way to cut the federal deficit is to begin by reducing the state and local governments' surpluses, curbing the foreign deficits and encouraging more business investment.

[From the Washington Post, June 2, 1978]

RICH, POOR AND TAXES

Congressional attitudes toward taxation grow more and more curious. Majorities in both Houses resist passing the full $25-billion tax cut that President Carter proposed, on grounds that it would be too inflationary. But simultaneously there is powerful and bipartisan support for a wide array of bills to open up new tax advantages costing billions of dollars a year, or reviving old ones. Most of those breaks would benefit mainly people with incomes well above the average; some of the most popular would help the rich exclusively. It's obvious that there has been profound change in basic opinions about the tax structure—particularly among the Democrats.

During the Nixon and Ford administration, Congress enacted tax laws that made the federal income tax more progressive, and, by the definitions that most people accepted at the time, fairer. Now, with the White House occupied by a Democrat committed to tax reform, Congress with its large Democratic majorities is moving forcefully to make the income tax less progressive and perhaps unravel some of the last decade's reforms as well. The thread running through all of these bills seems to be a general feeling that the present tax structure taxes too much from the prosperous, to a point at which it hurts the national economy and everyone who depends on it. That idea was once the exclusive and undisputed property of the more rigorous among the Republicans. But no more. You could hardly have a sharper indication of the depth of the political changes now overtaking this country.

There is a lengthening list of tax bills illustrating the point. The votes on the tuition tax credit in the House yesterday suggest that President Carter is going to have to

carry out his threat to veto it. There is the extremely expensive little bill to restore certain large benefits to Americans who work overseas. Above all, and most spectacularly, there is the Steiger amendment.

It would reduce substantially the tax rates on capital gains for people in high tax brackets, and it would take capital gains beyond the reach of the minimum-tax rule. The minimum tax was instituted to ensure that people with high incomes, regardless of their accountants' skill at constructing tax shelters, would have to pay at least a modest tax. The Steiger amendment would benefit at most some 400,000 taxpayers—that is to say, perhaps 8 percent of all those with taxable capital gains, and fewer than half of 1 percent of all those people who file income-tax returns. Nearly all of the benefits will go to people with incomes over $100,000 a year. The claim is that it will lift the stock market, encourage the rich to invest more and, through higher investment, eventually help everyone else. That line of argument is not a new one; the truly remarkable thing is that it is currently being embraced by a wide assortment of Democrats.

The Democratic leadership is sufficiently impressed to have begun serious negotiations over a compromise. It appears exceedingly likely that at least a toned-down version will become law this year.

The precise reasons for this astonishing swing in opinion are not yet fully clear. It has a lot to do with five years of high inflation. American attitudes toward money have been affected. Families have watched with dismay as their savings shrank, while the value of their property—especially houses—rose rapidly and became unexpectedly exposed to capital-gains taxation. Perhaps it also has something to do with the prospect of long years of relatively low economic growth ahead and poorer returns to investors than those to which they became accustomed during the long boom of the 1960s and the go-go stock markets. Business investment has, in fact, been running lower than most economists think healthy.

The money involved in these little bills is less important than the evidence of change in American views of the rich, the poor, and the balance that represents that indispensable ingredient of tax policy, fairness. It is not a change in the direction of generosity or of the customary American ideals of a national community. But it is, apparently, genuine.●

SALUTE TO REV. EDWINN J. HAMANN, CHURCH OF THE LITTLE FLOWER, CINCINNATI, OHIO, UPON THE 45TH ANNIVERSARY OF HIS ORDINATION

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. LUKEN. Mr. Speaker, on Saturday, June 10, residents of my congressional district and Hamilton County will join with members of the Church of the Little Flower congregation, Cincinnati, Ohio in commemoration of the 45th anniversary of ordination to the holy priesthood of Rev. Edwinn J. Hamann and in deep appreciation for the outstanding service that he has provided as unselfishly to his parish and to the entire community. I know that you and our colleagues will want to join with me and with his congregation in extending our warmest greetings and congratulations to Reverend Hamann on this most joyous occasion.

Reverend Hamann was ordained on June 10, 1933. During his early priesthood he taught at Cincinnati Elder High School until 1946. Then, as our country entered World War II, Father Hamann went to the South Pacific as a Navy Chaplain. Upon his return to the United States he was assigned to Little Flower parish as an assistant pastor. After only 1 year he was sent to St. Rose parish as their pastor until 1956, when he returned, as pastor, to Little Flower. He has held that position until just recently.

Father Hamann has been the principal figure in the building of Little Flower parish into what it is today. In 1960 a new church and rectory were built along with a library and eight additional classrooms. The congregation has grown from 600 in 1956 to 1,475 families in 1978.

Mr. Speaker, it is a privilege and honor to seek this national recognition of Reverend Hamann and all his good works. I ask my colleagues to join with me in offering our most sincere appreciation for the devout service that he has given so freely to all of his people for so many years.●

COMPUTERIZED FIREARMS RECORDS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FOLEY. Mr. Speaker, I wish to express my views on the regulations proposed on March 21, 1978 by the Bureau of Alcohol, Tobacco and Firearms which would require the submission and computerization of quarterly reports reflecting any and all transactions of firearms by dealers, manufacturers and importers.

Considering the general mood of the American public and the Congress in recent years it is perhaps not surprising that a large segment of the population is expressing alarm over the Bureau's desire to establish a centralized computer record of firearms' transactions as the beginning of a complex system through which full firearms' registration will be achieved.

Based on public sentiment and lack of success of efforts in the Congress to date to require the registration of firearms, I perceive no public mandate for the creation of such an apparatus.

During debate on the Gun Control Act of 1968, the House rejected amendments making it a criminal offense to possess an unregistered handgun, rifle, or shotgun. The Senate also rejected similar amendments and overwhelmingly rejected an amendment to require registration at both the local and Federal levels.

In 1972, the Senate, while debating the gun control bill rejected amendments that would federally register first handguns and second, all firearms and owners.

In the 94th Congress, the House Judiciary Committee rejected two amendments to require States to register handguns, an amendment to establish national handgun registration and an amendment to authorize Law Enforcement Assistance Administration funds for States to register handguns.

The legislative history of Federal registration of firearms clearly indicates that the Congress has consistently rejected this concept. I do not find a congressional mandate for Federal registration or any indication that significant steps toward Federal registration would receive congressional approval.

I believe that regulations of this controversial and comprehensive a nature should be made only after a congressional mandate. I have introduced House Concurrent Resolution 626 disapproving these regulations, and I support the recent House Appropriations Committee action to prohibit the use of any funds appropriated to the Bureau of Alcohol, Tobacco and Firearms for issuing or carrying out the proposed regulations published in the Federal Register on March 21, 1978.●

GENERAL SINGLAUB SPEAKS OUT—PART IV

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. McDONALD. Mr. Speaker, in this fourth part of the series by General Singlaub he sketches out the overall situation in the context of Korea. In the preface he points out the interesting parallel between our betrayal of Nationalist China and South Vietnam, where in both cases we arbitrarily cut off their supplies of munitions. He further points out how well the South Korean soldiers served in Vietnam in support of our own forces. Guilt and fear appear to be motivating us in that part of the world, according to the General rather than logic or sound strategy. As with his prior articles, I commend them to the attention of my colleagues. The article from the Atlanta Journal and Constitution of June 4, 1978, follows:

[From the Atlanta Journal and Constitution, June 4, 1978]

GUILT, FEAR AT BOTTOM OF PACIFIC POLICY

(By Maj. Gen. John K. Singlaub, U.S.A., Ret.)

If I were asked what I sincerely believe is the most important lesson the American people must learn, in the context of the hot-and-cold struggle between the communist

and non-communist powers of this world, I would answer:

We're not dealing with born-again Christians, we're dealing with born-again Bolsheviks. These people are very pragmatic. The leaders of the Soviet Union and Communist China don't accept as individuals or as nations any idea of being nice to someone else in hopes that he will be nice to you. This Judeo-Christian ethic doesn't guide them in their foreign policy.

I think that what happened in Vietnam did a lot of damage to our relationship with our friends in the Far East. It certainly caused the South Koreans, the non-communist Chinese, the Thais, the Indonesians, the Malaysians, to take a second look at their associations with the United States.

What we did in Vietnam was immoral; that's the only way you can describe it.

We forced the South Vietnamese to sign a peace treaty that they knew was not in their best interests. We assured them that if there was any violation of that treaty by North Vietnam, we would come to their aid immediately. But in fact the most flagrant violations took place, were clearly documented, quite obvious, and this gave a signal then to the communists that we obviously weren't going to do anything, and they made an all-out effort to throw us out.

Well, that so demoralized the South Vietnamese that they lost their will to resist, in the same way that the Chinese Nationalists did back in 1948 and 1949, when we refused to come to their aid when they needed us. We refused to allow them to even receive the ammunition to fire in the weapons we had given them to save themselves.

That was so demoralizing: it looked like the whole country collapsed. The communists can blame it on a weak leadership and all that, but, you know, you need to have allies if you're not able to go it alone, and it was clear that the Nationalists were so weak after World War II that they could not go it alone; they needed our help.

One of the best things we had in Vietnam was the South Korean force. The Koreans maintained two divisions and a brigade fighting alongside the other free world military assistance forces there, and the Vietnamese would look at those Korean troops and the way they performed, the professional conduct of everything they did, and they admired them.

And I would say to my Vietnamese friends, "Let me tell you, the Koreans 25 years ago were in worse shape than your army is today, but because they professionalized their officer corps, set up a good school system, tried to emulate some of the better parts or our system, accepted our support and help, rejected the lures of communism and so forth, you can see what they are."

Well, it was a tremendous source of encouragement to see those Koreans operate. And in my view, if we had hung in there, the South Vietnamese would have come out of it in the same way the South Koreans did. But we didn't.

The Southeast Asian countries of Thailand and Malaysia, Indonesia and the Philippines have hope that we will add the stability there to keep Communist China from expanding into those areas. We are a symbol there.

When I visited friends in Thailand and in Taiwan after I left Korea on my way here, they all expressed deep concern that our withdrawal from Korea would be a signal to China to expand its influence, that we are no longer going to try to maintain peace in the Western Pacific.

Communist China's influence in Southeast Asia now is rather significant, and there's a big conflict going on in Vietnam between the Soviet-sponsored elements and the supporters of Red China. Cambodia has the support of China and Hanoi has the support of Russia, and there's a confrontation on the border.

China is wooing Thailand, and Thailand is nervous about what's going to happen.

Gen. Kriangsak Chamanand, Thailand's premier, made a trip to Peking a couple of months ago. He hasn't been invited to this country, and I think that's a shocking thing. His country has such a long tradition of freedom, of independence and a close association with the United States. Yet we have given him no indication of our support. I think to run the risk of losing that very valuable ally is also shocking.

Wherever I would go in traveling around talking to representatives of non-communist Southeast Asia nations, they would ask questions:

What is the policy of the United States for the Pacific? We understand there were some domestic problems in the United States that enabled anti-war groups to overcome reason and cause the debacle of South Vietnam. But are you really going to abandon South Korea, a nation that's been your ally for so many generations? Are you really going to withdraw your forces? Does that mean you are no longer going to be a Pacific Power?

And tell me, why is Korea different from Europe? Unless there's a Caucasian syndrome here—we don't want to say that this thing is a little racist—why is there such a willingness to spend more and do more on NATO in Europe? You're talking about withdrawing from Korea, and we just don't understand that. You do more trading in the Pacific basin than you do with Europe.

These are hard questions to answer. But they give you a feel for how the Asians look upon this part of the world.

I think our policy appears to be based upon some feeling of guilt and fear, and I don't think those are very good foundations for foreign policy.

In fact, there's been no articulation of our foreign policy. George McGovern wrote a whole bunch of words on the pro side of the withdrawal issue, but after reading it and re-reading it, it really doesn't say anything except that if we are not there (in Korea), we can't get involved in a land war in Asia.

But we tell the Koreans that we're going to withdraw, but we will come to your aid if you need it. Well, you can't have both. If you guarantee you're going to come back in the event of an attack, they know we won't. Who are we fooling?

That's just basic dishonesty.●

STOP OSHA'S REGULATION OF HUNTING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. ASHBROOK. Mr. Speaker, I want to speak in support of language to be presented on Wednesday, June 7, which will stop the Occupational Safety and Health Administration (OSHA) from involvement in regulation of hunting. I am pleased to say that a 1975 prohibition against regulation of small family farms has been somewhat effective in combating abuses by OSHA inspectors. How clearly I recall accounts of an army of OSHA inspectors telling farmers to avoid unsafe piles of cow manure and unsecure ladders.

We now have an opportunity to remind this agency of its purpose—to protect workers in the workplace. I am appalled, as a member of the committee which considered this legislation in 1970, that this agency is now desiring to regulate deer hunting in Louisiana. It is seeking to define a "workplace" as a parcel of land, no matter how large, which may be traveled by a few workers for the purpose of marking trees for timber cutting.

HISTORY OF LOUISIANA CASE

OSHA's current effort to curb hunting on private lands arose from a complaint it received from a junior forester employed by Olinkraft, Inc., a timber company doing business in Louisiana. He charged that he was not being provided a safe working place because the company allowed hunting on its woodlands. Although OSHA has no specific standard covering hunting, it concluded that Olinkraft violated the catchall "general duty" provision of the act, section 5(a)(1), by not furnishing a workplace "free from recognized hazards."

IS HUNTING AN EMPLOYEE "HAZARD?"

Hunters have never been considered a "recognized hazard" by the timber industry. Investigation by timber companies and associations throughout the United States have found not a single case in the past decade in which an employee was injured by a hunter and only one minor incident within the past 20 years. The Louisiana company and its predecessors have never had such an accident in 70 years of operation. Such a record hardly indicates an "obvious or recognized hazard" warranting citation under OSHA's "general duty" clause.

CAN A COMPANY ELIMINATE HUNTING TO COMPLY WITH AN OSHA ORDER?

OSHA has presented the Louisiana timber company with the alternatives of creasing operations or removing all hunters from the woods. It is economically impossible for them to cease work on their forest lands during the hunting season without a complete cessation of its entire operation. Since this is economically impossible, the company is left with the option only of removing all hunters.

The tradition of public use of private woodlands is strong in the South, and in other parts of the country. Efforts to exclude hunters would be of little avail, since rural law enforcement personnel may be unsympathetic to restrictions on hunting and since community hostility might result in arson, property destruction, and threats to forestry employees.

To legally exclude trespassers, Louisiana law requires that fences have triple strands of barbed wire and that signs be posted every 50 feet. It would cost the Louisiana firm an estimated $4 million to comply with this requirement in that one State alone. The expense of fencing similar tracts in other States, and of fenc-

ing timber and agrecultural land held by others where hunters might threoretically jeopardize safe working conditions, would be astronomical.

Fencing forestry tracts to exclude hunters would not be feasible. Much land is not in contiguous tracts, but is interspersed with property held by others. Boundaries are difficult to ascertain and change as new land is acquired and holdings are sold or exchanged. Fencing these long, irregular, and fluctuating perimeters would require thousands of miles of barbed wire and posts, and would necessitate continual maintenance. Boundary changes would necessitate alterations and additions to fencing.

If local law enforcement officials declined to enforce the "no trespassing" provisions, timber firms would be forced to employ armed guards to do so. The ironic effect would be to place more employees "at risk."

WOULD THE LOUISIANA HUNTING CASE EXTEND TO OTHER PARTS OF THE COUNTRY?

Ending the tradition of multiple use of timberlands would generate problems on several levels.

According to section 19(a) of the Occupational Safety and Health Act of 1970 and related Executive orders, Federal agencies must provide safe and healthful places and conditions of employment. If hunting on land which is also used for growing timber or other purposes is found to be a recognized hazard, then Federal agencies would be required to institute measures to prevent hunters from using Federal land for hunting. Affected agencies would include the U.S. Forest Service, the Bureau of Land Management, the Department of Defense, the Army Corps of Engineers, the Bureau of Indian Affairs, and the Fish and Wildlife Service. The cost of effective measures would be enormous, considering the vast acreage of Federal lands which hunters presently utilize.

CONSERVATION OF ANIMALS WOULD BE IMPOSSIBLE

Another unfortunate consequence of a ban on hunting timberlands would be uncontrolled deer population explosion. Uncontrolled deer populations eat seedlings, eat leaves off the trees as high as they can reach, and deform or kill young trees. This could cause serious economic destruction and mass starvation of deer, which would require the timber company or the State to reinstate deer hunting or to bring in hunters to control the deer population. An experiment with restrictions on deer hunting in the Grand Canyon demonstrated this hazard and resulted in a loss in the value of the timber there.

THE AGENCY ABUSED ITS AUTHORITY IN LOUISIANA

The Occupational Safety and Health Act of 1970, which provides in section 8(a) and 8(e) for inspections by OSHA officers, gives employer and employee representatives the right to accompany the inspector on his tour. As a decision by the Occupational Safety and Health Review Commission has pointed out, including the employer on the inspection tour serves a useful function. It helps to assure the accuracy of the officer's report and to explain ambiguous situations. In the Louisiana case, the OSHA inspector never notified the timber operator that he intended to inspect the workplace. In fact, he seems to quite possibly have conducted no inspection at all; a discussion with several employees may have been the sole basis upon which the citation was issued.

LEGISLATIVE EFFORTS

We are pursuing a legislative remedy. Just as we have opposed the Department of the Treasury regulations requiring centralized government registration of firearms, we are now seeking to curtail the efforts of OSHA to regulate hunting. These efforts are not unlike our enactment of Public Law 94–284 on May 11, 1976, withdrawing jurisdiction over firearms and firearm ammunition from the jurisdiction of the Consumer Product Safety Commission.

There is urgent need to block OSHA's overreacting. It is my hope that all of my colleagues will join the effort to stop the use of funds to regulate recreational hunting, fishing, and shooting. While I am not convinced that our efforts will put an end to OSHA's mischief, I believe it to be a valuable beginning in sending a clear message to this agency that it is going beyond the needs of the public.

The legislative initiative is next. I am pleased to announce that Mr. WILSON of Texas and I are cosponsoring this valuable legislation in the House, and Senator MCCLURE is doing so in the Senate. I urge my colleagues to join us in both the appropriations remedy and the legislative cure.●

TRIBUTE TO MAJ. GEN. CARL W. HOFFMAN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BADHAM. Mr. Speaker, rarely does a Member of this body have the honor of paying tribute to a person of such outstanding qualities and achievements that words seem inadequate as a means of properly expressing one's appreciation for a record of public service.

But today, however inadequate they may be, I have the privilege of offering a few words on behalf of a distinguished American, who has served his country for 38 years in time of war and peace.

That person is Maj. Gen. Carl W. Hoffman, commanding general of Camp Pendleton, Calif.

General Hoffman is retiring from the U.S. Marine Corps on June 30, 1978, and is being honored by his many friends at a banquet on June 13, in Oceanside, Calif., which is in the 40th Congressional District.

I would like to call the attention of my colleagues to the fact that all of us who serve in the Congress of the United States, all of the citizens of this Nation who remember the horrors of World War II, the Korean war, and Vietnam and all the others who value their freedom and the American way of life, can thank dedicated career military men such as Carl Hoffman for helping to provide us with a free country in which to live.

For without the Carl Hoffmans of the Marine Corps, the Navy, Army, Air Force, and Coast Guard whether they are buck privates or four-star generals; seamen or admirals, this country long ago would have gone the way of other extinct civilizations.

From his early days as a member of the Marine Corps Reserve, beginning in 1940, Carl Hoffman has shown a lifetime pattern of leadership, whether in an executive capacity behind a desk or as company commander slogging it out with the ground marines in the nasty island campaigns of World War II.

A native of Nebraska, General Hoffman holds a bachelor's degree from Drake University in Des Moines, Iowa, and a master's degree from George Washington University in Washington, D.C.

After signing up with the Marines 38 years ago last month, Hoffman went through platoon leadership courses and was called into active duty following the outbreak of World War II and commissioned a second lieutenant in March 1942.

In rapid order, he served with the 2d Marine Division in the Pacific Ocean island campaigns on Guadalcanal, the first land victory for the United States in its war with Japan, then led troops ashore in the bloody, historic invasion of Tarawa.

It was in this battle that Hoffman brought his company of marines through chest-deep water, protected only by a concrete pier, onto the beach where the Marines had established a precarious foothold against deadly Japanese fire from well-concealed bunkers. In the vicious battle which ensued, Carl Hoffman was wounded and had to be evacuated to an offshore hospital ship, while his troops who remained fought on, eventually to win the battle in which casualties were so great that the Nation was shocked into disbelief.

After an interlude from the battlefield in Washington as an aide at Headquarters, Marine Corps, and as a recruiting officer in New York, Hoffman was back in the field again as a battalion commander, this time with the 1st Marine Division, now the resident division at Camp Pendleton.

The 1st Division was to remain important in Hoffman's life, because a few years later, after graduating from the Army War College and serving on the faculty in 1963, Hoffman came to Camp Pendleton as commanding officer of the 1st Marine Regiment.

In the Vietnam war, Hoffman, by this time a brigadier general, was in the bat-

tle zone as assistant division commander of the 3d Marine Division, and later served as commanding general of Task Force Hotel near the demilitarized zone.

After service in Hawaii, General Hoffman was named commanding general of the Marine Corps Recruit Depot, Parris Island, S.C., later serving at Headquarters Marine Corps in Washington and as commanding general of the 3d Fleet Marine Amphibious Force, Okinawa, before assuming his present command at Camp Pendleton in 1975.

Much has been said and written about Carl Hoffman's tour of duty as commanding general at Camp Pendleton, during a period of turbulence over the relationship between the Marines and the civilians at Oceanside.

The most eloquent comment, however, was the simple request by the Commandant of the Marine Corps, Gen. Louis H. Wilson, who personally requested last year that Carl Hoffman extend his active duty service and delay his retirement 1 year.

General Hoffman, the professional that he is, agreed to do so.

Thus it is, with the greatest of personal pride, not only as a Member of Congress, but as a member of the House Armed Services Committee, that I rise today to pay tribute to Carl Hoffman.

His has been a distinguished military career, marked by an incredible 31 medals from the United States and other nations, but not only has his service been to defend our Nation from its enemies but in times of peace he has been a leader in helping to establish and maintain the best of relationships between the Military Establishment and the country's civilians.

We need more men like Carl Hoffman. His dedicated public service will be sorely missed by all of us.●

CONSUMERS NEED TO UNDERSTAND BEEF PRICES

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. GRASSLEY. Mr. Speaker, I have recently enumerated my concerns to my colleagues about the attention currently being given beef prices. I am particularly concerned about the possibility that President Carter will respond to those who advise that he lift restrictions on imported beef. I have urged him to take no action. It is well documented that livestock producers have been operating at a loss for much of the time in recent years.

There are a couple of additional points which I would like to share with my colleagues concerned about high beef prices for the consumer. First, I feel it is important that the consumers in this country be educated to past and present problems of cattle producers. Second, I think history has shown that efforts to influence the retail prices of beef by the Government has, in the long run, been counterproductive. In short, consumers must be made aware of the problems facing livestock producers, and the Government should allow the market to work and refrain from attempting to make the American public think they can have as much beef as they want at artificially low prices.

I would like to share with my colleagues two articles which speak to the points I have mentioned. The first article appeared in the June 3, 1978 edition of the Iowa Farm Bureau Spokesman and is entitled "Need Consumer Education of Causes of Higher Meat Prices." The second article by Frank Whitsitt appeared in the May 31, 1978 edition of Farmland News and is entitled "Cattlemen to Government: Keep Out."

NEED CONSUMER EDUCATION EFFORT ON CAUSES OF HIGHER MEAT PRICES

A united effort to educate the consumer about the causes of higher meat prices is the best approach to combating buying resistance it was agreed at an industry-wide meeting in Chicago last week.

Representatives of packers, retailers, commodity groups, feeders, news media, producers and marketing interests attended the meeting called by the American Farm Bureau, and agreed the consumer must be told what is going on and why.

Malcolm McGregor of Nashua, chairman of the Iowa Farm Bureau beef advisory committee, attended the meeting.

By informing the consumer it is hoped an organized consumer boycott such as that in 1973 can be avoided. It was generally agreed that if a housewife decided on her own to cut back her purchase of meat it is supply and demand working and the industry will respond. But an organized movement would give a false reading to the market and would upset the market system.

Dr. Ed Uvacek, extension economist at Texas A & M University, said the beef price level at the supermarket will probably move up within the next several weeks. He said the price now averages $1.70 (a new all-time high) reflecting $55 cattle. "But cattle are selling at $59–$60 so the price must increase." He expects another 10 percent rise before a possible break later this summer.

Uvacek said meat is now 40 cents per pound higher than it was during the consumer boycott of 1973.

He also pointed out that meat prices were high in 1975 and there was little resistance. The difference is that the retailer had inexpensive hamburger and that took the pressure off. "Because of the decrease in cow slaughter and non-fed slaughter, that abundance of hamburger will not be there now," he said.

While personal income is up in relation to beef prices, it is not up so high that it can be used as an argument when visiting with consumers about meat prices, Uvacek said.

"In actuality the increase in beef prices and personal income run very close."

It was also agreed that reminding the consumer about the plight of the cattle feeder for the past several years would not necessarily get a positive response.

Dr. Timothy Hammonds, senior vice president, Food Marketing Institute, Washington, D.C., says the consumer mood is still basically good and this is helping the beef industry. He emphasized it is important for all segments of the industry to be presenting consistent information.

Hammonds reported that a February survey showed a concern about prices generally but only 4 out of 10 listed food prices as a major worry—the lowest level in 3 years. Only 22 percent expected sharp increases, down from 33 percent in 1977.

Fifteen percent thought some prices at the supermarket were outrageous, but none involved edible products. And he said for the last 2 years, consumers in the survey have blamed government for high food prices.

While this all sounds good, Hammonds says it presents a problem because consumers are facing a reversal of what they expected.

Hammonds said he hoped the government does not over-react. "They should view the cattle cycle from a historical perspective and realize that producers have to think over a period of years and not days or months. When someone is in that kind of planning mode one thing you shouldn't do is change the rules every day."

Those attending the meeting agreed that:

Producers must continue the orderly marketing of cattle.

Producers and packers must move toward a closer working relationship.

The industry must work at gaining consumer understanding on the cost of production, nature of the cattle cycle, need for profit before supplies increase, nutritional value of meat and economics of the meat industry.

Food retailers should alert consumers to higher meat prices emphasizing that the cattle cycle and the supply-demand relationship are responsible and the industry should work with news media and take advantage of the current interest to tell the story of the cattle cycle as well as the role inflation plays in the overall increase in prices.

Specifically, retailers were urged to coordinate with food editors and others to inform the consumer; hold a briefing for food editors, explaining the situation and tying in what part inflation plays; merchandize meat in cost per serving as opposed to cost per pound; market smaller boneless cuts; and continue featuring beef in advertisements.

It was agreed the industry should provide tips to consumers on how to stretch the beef dollar; provide backgrounders to the media explaining what is going on; and continue advertisements to tell the story and promote the product.

All activities should be aimed at avoiding government intervention and any organized consumer resistance that would upset the market system, it was agreed.

The American Farm Bureau beef advisory committee met May 26 to consider information presented at the meeting and make recommendations to the American Farm Bureau board of directors.

A meeting similar to the Chicago meeting was held at the Iowa Farm Bureau building earlier in the week. The need for gaining consumer understanding was also stressed at that meeting.

CATTLEMEN TO GOVERNMENT: KEEP OUT

The upward push in beef prices is both heartening and worrisome to those in the cattle industry. Heartening because the better prices are overdue after some discouraging years. Worrisome because of memories of 1973, when consumer resistance and boycotts goaded Congress into forcing the Nixon administration to slap a freeze on beef prices.

Anxious to try to head off a repeat of the disastrous consequences of that action, the National Cattlemen's Association is distributing a list of questions and answers on what's behind the higher beef prices. The message, of course, is aimed at urban consumers but growers of livestock would do well to review

the NCA logic so as to be better defenders of their cause.

Beef prices go down as well as up, the NCA points out, but over the long pull, there are more ups than downs. That's generally true because beef prices, like everything else, are affected by inflation. The farm value in a dollar's worth of beef generally is about 60%; the other 40% goes for processing, transportation and merchadising. For the most part, the NCA says, it's the farmer's share of each beef dollar that fluctuates. The annual farm-to-retail prices spread keeps going up with inflation.

For example, the average price of Choice steers in Omaha for March this year was only 11% higher than the average for 1973. But the farm-to-retail beef spread went from an average of 42 cents a pound in 1973 to 63 cents.

Does that mean the middleman is getting a lot more? What goes into the middleman's margin, the NCA adds, is primarily a lot of costs. There's really nothing mysterious about it. Just check the consumer price index and the figures on personal income. "The problem is inflation," the NCA concludes.

Sharp reduction of cattle numbers, of course, is a major reason for the price surge. The NCA asks if this means beef prices will keep going up for the next few years and answers, "Not necessarily." The longer term trend may be upward until herds are rebuilt, but there will be shorter-term downs as well as ups. "Actually, cattle prices have to increase further before the total industry can be profitable again," the organization says.

As to whether government should intervene to control peaks and valleys in the cattle cycle, the NCA says it doesn't work and cites the price freeze which disrupted the market, resulted in sharply reduced supplies and caused retail prices to reach record highs for a while.

"Unfortunately for cattlemen," the NCA says, "the best cure for low prices is low prices. Why? Because low prices bring needed supply adjustments. Similarly, the best cure for high prices is high prices—because higher prices eventually bring supply increases, which then moderate prices to consumers."

Finally, the NCA pleads, keep the government on the sidelines while these market forces are at work.

Cattlemen need an opportunity to recover their losses, to repay their debts and earn a profit on their investments. They expect government to stay out of their business now, just as government stayed out when they were suffering big losses. It would be unfair, the NCA emphasizes, for the government to change the rules of the game now and try to artificially increase meat supplies or impose price restrictions.●