HOUSE OF REPRESENTATIVES—Tuesday, April 18, 1978

The House met at 12 o'clock noon.

Rabbi Moshe E. Bomzer, Young Israel of Hollywood, Port Lauderdale, Fla., offered the following prayer:

I offer this prayer on the day which has been proclaimed by the President of the United States and both Houses of Congress as Education Day, U.S.A., in celebration of the 76th birthday of the illustrious and revered leader of world Jewry—the Lubavitcher Rebbe. Shilits, whose selflessness and devotion have been a model for the education of all mankind.

In these trying times we beseech You, our God, to grant us the wisdom, kindness, patience, and understanding to educate ourselves and our children in Your divine ways. Bestow upon us the knowledge to differentiate between right and wrong, good and evil, sanctity and impurity. Cast the rays of Your divine guidance upon the President, the Vice President, the Members of the House of Representatives, and all the leaders of our beloved country. Enable them to find solutions for the problems which plague our country and the world. As Jews throughout the world prepare for the holiday of freedom, dedicated to the concept of human rights and devotion through education as stated in Exodus 13:15 "And you shall teach your children," let this message of peace and freedom resound through the Halls of this great Capitol of ours. Make Your divine prophecy come to pass when "nations shall beat their swords into plowshares and their spears into pruning hooks;" when "nation shall not lift sword against nation, neither shall they learn war anymore."

Let us learn to teach the world and educate our youth so that we may merit to live in a world permeated with love, honesty, ethics, and morals and to the realization of our potential to establish a world built on peace and knowledge. Amen.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.J. Res. 649. Joint resolution to authorize the President to call a White House Conference on the Arts, and to authorize the President to call a White House Conference on the Humanities.

The message also announced that the Senate had passed a resolution of the following title:

S. Res. 429 Resolved, That the Senate does not favor the energy action number DOE Num-

IN MEMORY OF GORDON E. CASEY

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

Mr. MAHON. Mr. Speaker, last Friday, April 14, Gordon Casey, who was a member of the professional staff of the Committee on Appropriations, died unexpectedly as a result of an accidental fire in his home.

Gordon had worked since 1973 on the Defense Subcommittee and during that time he provided invaluable assistance and advice to its members in the course of deliberating on the Department of Defense's research and development budgets. Review of the work which appeared in the Washington Post following Gordon's death.

The article follows:

Gordon Eldon Casey, 34, a staff member of the defense subcommittee of the House Appropriations Committee, died of asphyxiation yesterday in an accidental fire at his home in Falls Church.

Mr. Casey came to Washington in 1973 as a temporary staff member of the subcommittee and became a full-time employee the following year. He was responsible for reviewing the research and development budget of the Defense Department.

Born in Lovell, Wyo., Mr. Casey grew up in Casper. He attended Casper Junior College, and graduated from the University of Wyoming in 1965.

He then joined the General Accounting Office as an auditor, working in the Denver regional office until 1970 when he transferred to supervisory auditor to the Far East branch in Honolulu. He traveled extensively to Korea, Okinawa, Taiwan, South Vietnam and Kwajalein Atoll in the Marshall Islands, conducting GAO audits.

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., •
He is survived by his parents, Mr. and Mrs. Eldon A. Casey, and a brother, Curt John, of Casper, and a sister, Karlene Virginia Richards, of Denver.

ATTORNEY GENERAL GRiffin Bell

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

Mr. DERWINSKI. Mr. Speaker, our illustrious Attorney General must feel like a peanut farmer holding the light bulb on his head. He is being stung from all sides on his administration of the Justice Department. Now, he has walked into another棘手问题.

Based on press reports, Polish-Americans are demanding an explanation of what they consider a "Polish slur" by Attorney General Griffin Bell. The source of their irritation is an item which appeared in the April 10 issue of New York magazine. The magazine said Bell was responsible for the punch line to the question: What would the Poles have handled the Marston affair? His answer: "The same way we did."

Bell denies telling the joke, but the magazine is sticking to its guns. Meanwhile, various Polish-American groups are incensed. Some, like the Polish-American Federal Council, are trying to make ends meet on an annual budget of $600,000. Others are talking about demanding a resignation. Some groups, as a penalty, reportedly are suggesting that the Attorney General be assigned responsibility for making a daily interpretative statement to the American public.

It is difficult to determine who the auth ors of these statements are for the Polish-American community. I certainly have no illusions about claiming that role.

But I feel it would be a serious mistake to take discretionary action against Attorney General Bell. That would require the State Department in the position of having to retaliate against Georgia jokes which have been in vogue in Poland ever since the President was accompanied on hi s last visit there by his now famous interpreter.

Poles in Warsaw are chucking over the joke that it requires three Georgia peanut farmers to change a light bulb in a peanut warehouse. As the Polish version goes:

One peanut farmer holds the light bulb while two companions turn him counter clockwise.

With the humor balancing itself out, I think we should let well enough alone. Our Attorney General has enough problems to occupy his time. He is the most controversial of the Carter Cabinet members. Of course, this is predictable since he is a Georgian. Polish-Americans can make light note of that fact.

THE RELEASE OF JACOB TIMERMAN

(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, I rise today with great news. I have learned that Mr. Jacob Timerman has just been released from prison in Buenos Aires. As my colleagues may remember, I spoke on the House floor 1 month ago concerning the plight of this brave individual. The news of his release comes almost 1 year to the day of his imprisonment. I truly believe that this situation would have dragged on indefinitely had the plight of Mr. Timerman not been made the focus of world attention.

Yesterday, I received the good news. Jacobo Timerman has been released. He has been year-long suffering, and that of his family, is about to end.

Unfortunately, Mr. Speaker, although Mr. Timerman was released from his prison cell, I also learned that he was placed under house arrest until the Government officially clears him of suspicion of economic crimes. This arrest places this persecuted individual in a highly dangerous position, since he has been the focus of numerous threats.

The obvious, preferable solution to this volatile situation is to forgo further proceedings and allow Mr. Timerman and his family to leave Argentina immediately.

In the interest of administering long overdue justice to this individual as well as avoiding personal danger to Mr. Timerman and his family, I again urge the leaders of Argentina to allow Mr. Timerman and his family to leave Argentina immediately. The time has come, and some, to right this grossly wrong. I appeal to the conscience of these leaders to exercise wise judgment in this case. Let them be assured, the rest of the world is watching closely. We must not let this "just" victory turn into a disaster.

VIGIL FOR FREEDOM

(Mr. BALDUS asked and was given permission to address the House for 2 minutes and to revise and extend his remarks.)

Mr. BALDUS. Mr. Speaker, almost a year ago, I brought to the attention of the House the plight of a refusenik family living in Moscow, Boris and Natalya Katz. Today, once again, I wish to speak about the Katz.

I am sorry to report that since I spoke about them last June, their situation has steadily worsened. Last October, Mrs. Katz had a baby daughter, Jessica, who has been seriously ill with a digestive disorder. The three are now living in a one room apartment with no bathroom and are trying to make ends meet on an annual income of $1,800, which is considered low by Soviet standards. Boris is a very sensitive and lonely person, who is isolated by his plight. These feelings of frustration are compounded by the fact that he must travel 75 miles to work; as a result, he can come home only on weekends. You can imagine the sense of loneliness that Boris must feel with the ferocity of Moscow's winters and the forced separation from Natalya and Jessica.

Boris and Natalya are totally alone in the Soviet Union. His mother and two brothers have emigrated to the United States and now live outside of Boston. Thus, there is no one to give Boris and Natalya the moral support that they now need so desperately.

The Katz family has been denied visas for emigration to Israel many times now. They were rejected for the fifth time on January 26. They have reapplied once more, but there seems to be little chance that they will be granted permission to leave.

Surely there is ample reason, both in the spirit and provisions of the Helsinki Accords, for Soviet authorities to make a favorable decision on the Katzes' application for emigration. Once more, I express my hopes that Boris, Natalya, and now their baby, Jessica, will be reunited with their family without delay.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MURRANA). This is Private Calendar day. This 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 pro tempore. 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 the bill be passed over without prejudice.

The SPEAKER pro tempore. 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 the bill be passed over without prejudice.

The SPEAKER pro tempore. 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. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.
Page 1, line 7, delete the word "surface"; Page 3, following line 9, insert the follow­ing new section:

Sec. 3. (a) Nothing in this Act shall—

(1) dimi­nish the right-of-way referred to in the first section of this Act to a width of less than fifty feet on each side of the center of the main track, as established and maintained by the Southern Pacific Company on the date of the enactment of this Act; or

(2) validate or confirm any right or title to, or interest in, the land referred to in the first section of this Act, except land acquired by adverse possession, prescription, or abandonment and not confirmed by conveyance made by the Southern Pacific Company before the date of the enactment of this Act.

(b) There is reserved to the United States all oil, coal, or other minerals in the land referred to in the first section of this Act, together with the right to prospect for, mine, and remove such oil, coal, or other minerals under such rules and regulations as the Secretary of the Interior may prescribe.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to recon­sider was laid on the table.

VALIDATING CONVEYANCE OF CERTAIN LAND IN CALIFORNIA BY THE SOUTHERN PACIFIC TRANSPORTATION CO.

The Clerk called the bill (H.R. 7971) to validate the conveyance of certain land in the State of California by the Southern Pacific Transportation Co. There being no objection, the Clerk read the bill, as follows:

H.R. 7971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3, the conveyances executed by the Southern Pacific Transportation Company described in section 2, involving certain land in San Joaquin County, California, forming a part of the right-of-way granted to the Southern Pacific Transportation Company by the United States under the Act entitled "An Act to incorporate the Texas Pacific Railroad Company, and to aid in the Construction of Its Road, and for other purposes", approved March 3, 1871 (16 Stat. 578), are hereby confirmed.

Sec. 2. (a) The conveyance confirmed by this Act was made by a deed dated May 4, 1887, by the Southern Pacific Railroad Company, a corporation, and D. O. Mills and Gerrit L. Lansing, Trustees, to M. L. Wicks and recorded on May 9, 1887, in the office of the Clerk of Los Angeles County, in the Book of Official Records, Book 222 at page 172.

(b) The real property referred to in the first section of this Act is certain real property in the northwest quarter of the northeast quarter of section 15, township 7 north, range 6 east, in the County of San Joaquin, California, more particularly described as follows:

Beginning at the intersection of the easterly line of Sierra Highway (formerly Antele­lo Avenue) 90 feet wide as shown on county surveyor's map numbered 4000 on file in the office of the surveyor of said county with the easterly prolongation of the northerly line of Jackman Street (formerly 8th Street); thence westerly along said prolonga­tion to the westerly line of the right-of-way, 100 feet wide, as reserved in that certain deed dated May 29, 1897, from Southern Pa­cific Railroad Company, a corporation, and D. O. Mills and Gerrit L. Lansing, trustees to M. L. Wicks, recorded May 29, 1897, in Book 222 at page 172, official records of said county; thence northerly along said westerly right-of-way 634.34 feet or more to the southerly line of Avenue I (formerly Sierra Madre Road); thence westerly along said southerly line of Avenue I to the easterly line of said Sierra Highway; thence southerly along said easterly line of Sierra Highway to the point of beginning.

With the following committee amend­ments:

The easterly 125 feet of the westerly 150 feet of lots 66, 67, 68, 69, the westerly 150 feet of lots 70 and the easterly 100 feet of the westerly 150 feet of lot 71, as shown on the map of the Lodi-Barnhart Tract, recorded November 5, 1906, in volume 3 of Maps and Plats, page 48, records of said county.

Excepting therefrom that portion of said lot 70 lying easterly of the easterly boundary of the land described, and to the north of the Lodi-Barnhart Tract, recorded August 27, 1965, by Stokely-Van Camp, Incorpo­rated, recorded September 5, 1962, in book 2392, page 835, of said county.

The conveyance entered into between the Southern Pacific Transportation Com­pany, grantor, and Bernardino Barengo, a married man, as grantee, on June 27, 1973, and recorded as instrument numbered 37943 on August 9, 1973, book 5792, page 31, of the Official Records of San Joaquin County, California, describing the following lands: That certain parcel of land situated in the county of San Joaquin, California, being a portion of the southwest quarter of section 24, township 4 north, range 6 east, Mount Diablo base and meridian, described as follows:

Commencing at the intersection of the original located center line of Southern Pa­cific Transportation Railroad from Stockton to Sacramento with a line that is parallel with and distant 20.00 feet north­westly, measured at right angles, from the south­ly line of said southwest quarter of section 24, said parallel line being the north line of Acampo Road (formerly Main Street); thence north 88 degrees 56 minutes 00 seconds west, along said parallel line, 140.71 feet to the point that is parallel with and distant 138.00 feet westery, measured at right angles, from said original located center line and the true point of beginning of the parcel of land to be described; thence north 14 degrees 58 minutes 30 seconds west, along last said parallel line, 885.19 feet; thence south 75 degrees 01 minutes 50 seconds west, at right angles from last said paral­lel line 8:66 feet to the southerly easternly corner of the lands of Dino Barengo as described in deed recorded September 29, 1961, in book 2649 page 290, Official Records of said county; thence northerly along the easterly line of said lands, as shown on the following described: (1) north 14 degrees 58 minutes 30 seconds west, parallel with said center line, 14.60 feet, (2) north 53 minutes 29 seconds west, 70.50 feet, (3) north 9 degrees 30 minutes 30 seconds west 50.00 feet, (4) north 8 degrees 29 minutes 30 seconds west 27.60 feet; thence south 67 degrees 42 minutes 00 seconds west, along the northerly line of said lands 69.88 feet to a line that is parallel with and distant 200.00 feet westerly, measured at right angles, from said original located center line, last said parallel line being the easterly line of the 400-foot right-of-way granted by Act of Congress to the Central Pacific Railroad Company; thence south 14 degrees 58 minutes 30 seconds east, along last said parallel line, 1046.81 feet to said north line of Acampo Road.

thence south 88 degrees 56 minutes 00 seconds west, along said north line, 767.75 feet; thence north 44 degrees 34 minutes 00 seconds east, as shown on the map entitled "Sierra Madre Road, San Joaquin County, California," recorded on December 9, 1974, book 3904, page 640, of the Official Records of San Joaquin County, California, describing the following lands:
April 18, 1978

CONGRESSIONAL RECORD—HOUSE
10397

That certain real property situated in the county of San Joaquin, State of California, being a portion of section 24, township 4 north, range 6 east, Mount Diablo base and meridian, more particularly described as follows:

Commencing at the point of intersection of a line parallel with and distant 30 feet westly, measured at right angles, from the easternly line of Stockton and Polk streets, with the westerly prolongation of the northerly line of an alley in block 4 as said street, alley and block are shown on the map of the town of Acampo;

thence south 88 degrees 36 minutes 00 seconds west along said southwesterly line and its easterly prolongation thereof, 474.05 feet to a point in the southwesterly line of lands (400 feet wide) of Southern Pacific Transportation Company;

thence north 14 degrees 58 minutes 30 seconds east along said northwesterly line, being parallel with and distant 200.00 feet southwesterly, measured at right angles, from the original located center line of said company's main track (Tracy-Polk), 166.38 feet to a point in the northerly line of land of Dino Barengo as described in Official Records, Book 2462, page 404, of the Official Records, page 290, of San Joaquin County and the actual point of beginning of the parcel of land to be described;

thence south 88 degrees 57 minutes east along the second west line, 693.38 feet to a point distant 74.90 feet easterly from the northerly boundary line of said tract as described in the record of the sale of September 29, 1961, in book 2462 of the Official Records, page 290, Records of San Joaquin County and the actual point of beginning of the parcel of land to be described;

thence south 8 degrees 57 minutes east along the second west line, 100.00 feet east of the center line of said Southern Pacific Transportation Company's main track (Stockton to Polk), and extending from the northerly line of the 20,480 square foot parcel of land described in Indenture dated August 24, 1960 from Southern Pacific Company to the city of Lodl recorded September 12, 1960 in book 2334, page 421, San Joaquin County Records, more particularly described as "south 80 degrees 47 minutes west 200 feet, more or less," in the northerly boundary of the land described in the record of the sale of September 29, 1961, in book 2462 of the Official Records, page 290, Records of San Joaquin County and the actual point of beginning of the parcel of land to be described.

The conveyance entered into between the Southern Pacific Transportation Company, grantor, and the city of Lodl, a municipal corporation, grantee, on March 23, 1977, and recorded as instrument number 57584 on December 17, 1977, book 3937, page 183, of the Official Records of San Joaquin County, California, describing the following lands: That certain strip of land 125.00 feet in width, situated in the south half of section 36, township 4 north, range 6 east, Mount Diablo base and meridian, county of San Joaquin, State of California and described as follows:

A strip of land 125.00 feet wide lying contiguous to and easterly of a line parallel with and distant 30 feet westly, measured at right angles, from the original located center line of said company's main track (Tracy-Polk), and extending from the northerly line of an alley in block 4 as said street, alley and block are shown on the map of the town of Acampo;

thence south 88 degrees 36 minutes 00 seconds east along said southwesterly line, 474.05 feet to a point in the southerly line of land (400 feet wide) of Southern Pacific Transportation Company's main track (Stockton to Polk), and extending from the original located center line of said company's main track (Tracy-Polk), and extending from the northerly line of the 20,480 square foot parcel of land described in Indenture dated August 24, 1960 from Southern Pacific Company to the city of Lodl recorded September 12, 1960 in book 2334, page 421, San Joaquin County Records, and the actual point of beginning of the parcel of land to be described.

There being no objection, the bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LANDS IN PLACER COUNTY, CALIFORNIA, TO MRS. EDNA C. MARSHALL

The Clerk called the title (H.R. 4243) to authorize the Secretary of the Interior to convey certain lands in Placer County, Calif., to Mrs. Edna C. Marshall, and for other purposes.

There being no objection, the Clerk read the title, as follows:

H.R. 4243
Be it enacted by the Senate and House of Representatives of the United States of California, in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to convey to Edna C. Marshall, all right, title, and estate in and to a tract of land in Tahoe National Forest, Placer County, Calif., described as the northeast quarter northwest quarter of section 28, township 14 north, range 11 east, Mount Diablo base and meridian, California, consisting of forty acres,
more or less. Such conveyance shall only be made if Edna C. Marshall makes application therefor and within one year after the date of this Act, makes payment of the fair market value of the land as of the date of this Act. The interior, Edna C. Marshall shall bear any administrative expenses, including appraisal, filing, and recording fees arising from the conveyance.

The bill was ordered to be engrossed and read a third time, and passed, and a motion to reconsider was laid on the table.

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

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

There was no objection.

CHARLES P. ABBOTT

The Clerk called the bill (H.R. 3994) for the relief of Charles P. Abbott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of — to Charles P. Abbott of Glendora, California, in full settlement of all his claims against the United States, arising out of the following actions by the Small Business Administration from March 1957 to June 1969:

(1) their negligent delay in processing his small business loan application numbered L-43439, filed on December 19, 1957, dis­ipated (also known as the Royal Megansett Hotel), of North Falmouth, Massachusetts; and for the relief of certain former employees of Western Airlines, to the Chief Com­missioner of the U.S. Court of Claims. There being no objection, the Clerk read the resolution, as follows:

Resolved, That H.R. 1394 entitled "A bill to provide for the relief of certain former employees of Western Airlines, to the Chief Com­missioner of the United States Court of Claims pursuant to sections 1493 and 2909 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FIRST BAPTIST CHURCH OF PADUCAH, KY.

The Clerk called the Senate bill (S. 422) for the relief of the First Baptist Church of Paducah, Ky.

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

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

There was no objection.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. 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 the Chair will then put the question

ESTABLISHING OFFICES OF INSPECTOR GENERAL

Mr. FOUNTAIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8588) to reorganize the executive branch of the Government and increase its economy and efficiency by establish­ing Offices of Inspector General within the Departments of Agriculture, Com­merce, Housing and Urban Development, the Interior, Labor, and Transportation, and within the Community Services Admin­istration, the Research and Development Administration, the En­vironmental Protection Agency, the Federal Energy Administration, the Gen­eral Services Administration, the Na­tional Aeronautics and Space Administra­tion, the Small Business Administra­tion, and the Veterans' Administration, and for other purposes, as amended.

The Clerk read as follows:

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.

The Clerk called the resolution (H. Res. 83) to refer, H.R. 1394, a bill for the relief of certain former employees of Western Airlines, to the Chief Com­missioner of the U.S. Court of Claims. There being no objection, the Clerk read the resolution, as follows:

Resolved, That H.R. 1394 entitled "A bill to provide for the relief of certain former employees of Western Airlines", together with all the accompanying papers, is hereby re­ferred to the Chief Commissioner of the United States Court of Claims pursuant to sections 1493 and 2909 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FOUNTAIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8588) to reorganize the executive branch of the Government and increase its economy and efficiency by establish­ing Offices of Inspector General within the Departments of Agriculture, Com­merce, Housing and Urban Development, the Interior, Labor, and Transportation, and within the Community Services Admin­istration, the Research and Development Administration, the En­vironmental Protection Agency, the Federal Energy Administration, the Gen­eral Services Administration, the Na­tional Aeronautics and Space Administra­tion, the Small Business Administra­tion, and the Veterans' Administration, and for other purposes, as amended.

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An Inspector General or Deputy may be removed from office by the President.

For the purposes of section 7324 of title 5, United States Code, no Inspector General or Deputy Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in its nationwide administration of Federal laws.

Each Inspector General shall, in accordance with law, have the authority to supervise the performance of auditing activities relating to programs and operations of the office during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to subsection (1); and

a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment.

A summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

a summary of each report made to the head of the establishment under section 4(c) during the reporting period;

a listing of each audit and investigative report completed by the Office during the reporting period;

and a description of the recommendations described in previous semiannual reports that corrective action has not been completed;

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(2) for any office, agency, or function, powers, or duties thereof, as the head of the establishment involved may determine to be related to the functions of the Office and would, if so transferred, further the purposes of this Act, except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(2) any transfers of personnel under subsection (a) shall be made in accordance with applicable laws and regulations relating to the transfer of functions except that the class or class of positions of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act, held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment, shall continue to be compensated in the new position at not less than the rate provided for the previous position for the duration of service in the new position.

Section 7. (a) Section 3515 of title 5, United States Code, as amended by this Act, shall cease to have effect at the end thereof the following new paragraph:

“(125) Inspector General, Department of Labor.”

(126) Inspector General, Department of Transportation.

(127) Inspector General, Veterans’ Administration.

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:


“(145) Deputy Inspector General, Department of Agriculture.

“(146) Inspector General, Department of Commerce.

“(147) Deputy Inspector General, Department of Housing and Urban Development.

“(148) Inspector General, Department of the Interior.

“(149) Deputy Inspector General, Department of Agriculture.

“(150) Deputy Inspector General, Department of Transportation.

“(151) Inspector General, Community Services Administration.

“(152) Inspector General, Environmental Protection Agency.

“(153) Inspector General, General Services Administration.

“(154) Inspector General, National Aeronautics and Space Administration.

“(155) Inspector General, Small Business Administration.

“(156) Deputy Inspector General, Veterans’ Administration.

(c) Section 202(e) of the Act of October 15, 1976 (Public Law 94-505, 42 U.S.C. 3522), is amended by striking out “section 6(a)(1)” and “section 6(a)(2)” and inserting in lieu thereof “section 206(a)(1)” and “section 206(a)(2)” respectively.

Section 8. As used in this Act—

(1) the term “head of the establishment” means the Secretary of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, or Transportation or the Administrator of Community Services, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans’ Affairs, as the case may be;

(2) the term “establishment” means the Department of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, or the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, Small Business Administration, or the Veterans Administration, as the case may be;

(3) the term “Inspector General” means the Inspector General of an establishment.

(4) the term “Deputy” means the Deputy Inspector General of an establishment.

(5) the term “Office” means the Office of Inspector General of an establishment.

(6) the term “Federal agency” means an agency as defined in section 552(e) of title 5 (including an establishment as defined in paragraph (2) of subsection (a) of that section) but shall not be construed to include the General Accounting Office.

Effective Date

Sec. 9. The provisions of this Act and the amendments made by this Act shall take effect October 1, 1978.

The SPEAKER pro tempore (Mr. MUTCH). Is a second demanded? Mr. WYDLER. 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 North Carolina (Mr. FOUNTAIN) will be recognized for 20 minutes, and the gentleman from New York (Mr. WYDLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. FOUNTAIN). Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I would like to begin by expressing the opinion that this is one of the most monumental pieces of legislation this or any other Congress has ever considered, because of the billions of dollars it may well save through increased economy and efficiency and a reduction in fraud and program abuse.

Mr. Speaker, H.R. 5888, which was approved unanimously by the Committee on Government Operations, will consolidate existing audit and investigative units in 12 additional Federal departments and agencies into Offices of Inspector General similar to those already established for HEW and the Department of Energy.

The Offices would be headed by Inspectors General appointed by the President, subject to Senate confirmation, without regard to political affiliation and solely on the basis of integrity and demonstrated ability. Each Inspector General would report to and be under the general supervision of the agency head or the officer next in rank below the head, but would not be under the control or supervision of any other officer of the establishment involved.

In addition to conducting and supervising audits and investigations, each Inspector General would have a key role in other activities designed to promote economy and efficiency and to prevent and detect fraud and program abuse. Moreover, the Inspector General would have responsibility for keeping the agency head and the Congress informed about serious problems and deficiencies and for recommending necessary corrective action.

The executive departments and agencies covered by this bill have generally endorsed the Inspector General concept. However, some of them have objected to the more specific language of the bill as reported out by the committee. The amendment to the bill makes several minor modifications which, in our judgment, will meet some of these objections without impairing in any way the ability of Inspectors General to accomplish the purposes of the bill.

The primary effect of the modifications is to substitute semi-annual reports to Congress for the annual, quarterly, and special reports required under the present language of the bill. Although the timetables, will meet some of these objections without impairing in any way the ability of Inspectors General to accomplish the purposes of the bill.

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The Chair recognizes the gentleman from North Carolina (Mr. MURTHA).
demonstrated by an extensive subcommittee inquiry, which included 9 days of hearings.

We found serious deficiencies in auditing and investigative organizations, procedures, and resources, such as—

Multiple audit or investigative units within a single agency, organized in fragmented fashion and without effective central leadership; and

A lack of central leadership and coordination and symptomatic deficiencies in the procedures, and resources, such as—

A high-level official with no program responsibility for audit and investigative activities, and

A lack of affirmative programs to look for possible fraud or abuse; some agencies did not even require employees to report evidence of irregularities.

Instances in which investigators had been kept from looking into suspected irregularities, or even ordered to discontinue an ongoing investigation;

Potentially fraud cases which had not been sent to the Department of Justice for prosecution; and

Serious shortages of audit and investigative personnel, even though such personnel were not repaid their cost in savings and recoveries.

Several agencies admitted they had only one to one-fifth of the number of auditors or investigators needed.

One Department (Labor) had only six trained criminal investigators to look into irregularities in the expenditures of some $6 billion annually.

Other agencies had audit cycles as long as 20 years; some activities had never been audited.

These and other serious deficiencies are fully documented in the committee report (H. Rept. 95–584) and the subcommittee hearings.

Enactment of this bill will—

Insure that each covered agency has a high-level official with no program responsibilities, required by law to give undivided attention to promoting economy and efficiency and to combat fraud and program abuse;

Help to coordinate, within each agency and throughout the Government, the work of numerous audit and investigative units which are now disorganized and without effective leadership; and

Help to assure that agency heads and the Congress receive information needed to promote economy and efficiency and to combat fraud and abuse.

Even though the HEW Office of Inspector General, after which this bill is patterned, has been in operation for less than a year, it has already been responsible for substantial and very badly needed progress in improving HEW's administrative operations.

Details concerning the work being done by the HEW Office of Inspector General can be found in the first annual report of that Office, which has just been submitted to Congress. This 191-page report describes a wide variety of audits, investigations, and other initiatives undertaken by that Office, and estimates that losses from fraud, abuse, and waste at HEW have totaled more than $7 billion annually.

Waste, inefficiency, fraud, and abuse in federally financed programs is impairing the accomplishment of program objectives and imposing an intolerable and inexcusable burden on this country's taxpayers.

It is time for Congress to do something about it.

I urge passage of this badly needed legislation.

Under leave to extend my remarks, I am including at this point material from pages 2 through 7 of House Report 95–584 which summarizes the major provisions of H.R. 8588 and describes the extremely serious deficiencies disclosed by subcommittee hearings which the bill is designed to correct.

I am attaching a brief summary of the modifications made by the amendment offered today. The revised language of H.R. 8588, as amended, can be found in H.R. 12053.

IN HOUSE AND SUMMARY

H.R. 8588 would consolidate existing audit and investigative units in the Departments of Agriculture, Commerce, Housing and Urban Development, Labor, Transportation, and the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans Administration into newly established Offices of Inspector General.

These offices, which would have no program responsibilities, would conduct and supervise audits and investigations relating to programs and operations of the above departments and agencies. These offices would provide leadership and coordination and recommend policies for activities designed to promote economy and efficiency in the administration of, and to prevent and detect fraud and abuse in, such programs and operations.

In addition, the offices would provide a means for keeping agency heads and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action.

Each office would be headed by an Inspector General appointed by the President, by and with the advice and consent of the Senate, to serve at the pleasure of the President. The Inspector General would report directly to the President, with copies to agency heads and the Congress on activities of the office.

Each Inspector General would have responsibility for conducting audits and investigations and for coordinating other activities of the Office of Inspector General, including, at this point material from H.R. 8588 and describes the extent of the problems, abuses and deficiencies and for recommending corrective action to the agency head and the Congress on the progress made in implementing such corrective action.

In addition to an annual report to the agency head and the Congress on activities of the office, each Inspector General would make quarterly reports identifying significant recommendations for corrective action on which adequate progress was not being made. Each Inspector General would report directly to the President within 30 days thereafter to appropriate congressional committees whenever their office became aware of particularly serious or flagrant problems, abuses and deficiencies.

In order to prevent lengthy delays, resulting from agency “clearance” procedures, reports would be submitted by each Inspector General to the agency head and the Congress without clearance or approval. Copies of annual and quarterly reports would, insofar as practicable, be submitted by each Inspector General to the agency head and subsequently in addition to the due date for submission to Congress to provide a reasonable opportunity for comments of the agency head to be appended to the reports when submitted to Congress.

In carrying out provisions of H.R. 8588, each Inspector General is specifically authorized to obtain necessary information by subpoena and to request necessary information or assistance from any Federal, State, or local governmental agency or unit thereof.

H.R. 8588 further provides for each Inspector General to have direct and prompt authority to the agency head to be appointed to the office by the Congress for the performance of the duties of the office.

Existing audit and investigative units of existing administrative or regulatory components of the Administration, or component parts of the establishment’s Office of Inspector General. Additional units set up by the President or by Acts of Congress, and programs and operations of the Office of Inspector General could be transferred to the Office by the agency head, with the consent of the Inspector General, but no program operating responsibilities could be so transferred.

COMMITTEE ACTION AND VOTE

H.R. 8588, as amended, was reported by the Committee on Government Operations by a unanimous vote, with a quorum present.

HEARINGS

H.R. 8588 is a clean bill incorporating major changes made in the House Report and the committee in H.R. 2619, an earlier bill to establish the Office of Inspector General for the Internal Revenue Service. The changes were made in the interest of improving the efficiency and effectiveness of the Inspector General for the Internal Revenue Service. The changes were made in the interest of improving the efficiency and effectiveness of the Internal Revenue Service. The changes were made in the interest of improving the efficiency and effectiveness of the Internal Revenue Service. The changes were made in the interest of improving the efficiency and effectiveness of the Internal Revenue Service.

The hearings on H.R. 8588 included testimony from representatives of 14 departments or agencies whose representatives testified, are listed below:

May 17, 1977—Department of Agriculture.

May 24, 1977—Department of Commerce and Department of Housing and Urban Development.
Deficiencies in organizational structure

Subcommittee hearings disclosed that auditors and investigators at a number of departments and agencies report to different officials, rather than being under the same leadership. In other instances, there is no unit with agencywide audit or investigative jurisdiction. The investigation reported having 116 separate audit and investigative units.

Almost without exception, auditors and investigators are reporting to officials who either have responsibility for programs subject to audit and investigation or are unable to devote full time to their audit or investigative responsibilities.

In some instances, auditors or investigators stationed outside Washington report to and are supervised by regional program managers, neither than agency headquarters.

Deficiencies in procedures

Serious deficiencies in auditing and investigatory procedures were disclosed during the subcommittee hearings.

Most of the departments and agencies included in the bill have no affirmative programs to look for possible fraud or abuse; instead they rely primarily on complaints. In some cases, agency regulations do not even require employees to report evidence of irregularities. These agencies have no prepared annual audit plans, even though preparation of such plans is required by OMB. In any event, the agencies are frequently ignored.

When complaints are received, investigators in some agencies are not permitted to continue an investigation without clearance from officials responsible for the programs involved. The chief of the Community Services Administration's Investigation Division testified that he had been denied clearance to investigate allegations of wrongdoing on several occasions; in one of these cases, according to his testimony, a later investigation by another law enforcement agency resulted in 22 indictments.

Even when complaints are received, investigators in some agencies are not permitted to continue an investigation without clearance from officials responsible for the programs involved. The chief of the Community Services Administration's Investigation Division testified that he had been denied clearance to investigate allegations of wrongdoing on several occasions; in one of these cases, according to his testimony, a later investigation by another law enforcement agency resulted in 22 indictments.

The OIGs also testified that they had been ordered to discontinue one investigation which had already been initiated; the subject of that investigation, who was suspected of embezzling $10,000, subsequently became a fugitive.

A supervisory investigator for the Small Business Administration testified that an office inspection program which might have resulted in earlier detection of irregularities in SBA's projects office had been terminated some years ago.

Justice Department officials responsible for prosecuting fraud against the Government testified that they had developed relationships with other Federal agencies and that fraud is less a problem than other Federal departments and agencies on fraud matters are far from optimum. They also told the subcommittee that coordination would be easier if all agencies had a single high-level official devoting full time to overall direction of both audit and investigative activities. The Justice Department's most effective working relationships, according to its testimony, are with the Departments of Agriculture, HUD and HEW. HEW, of course, has a statutory Office of Inspector General, but HUD has neither an Office of General Counsel.

Although Justice Department witnesses endorsed direct referral of fraud cases to Justice by investigators, some agencies require that all such referrals be cleared by their Office of General Counsel. In some instances, potential fraud cases were never referred to Justice because of reluctance by agency officials to waive the statutory OIG, and the Department of Agriculture had one for many years before that office was dismantled in 1974.

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April 18, 1978

Mr. WYDLER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I want to commend both the distinguished chairman of the Committee and the gentleman from New York for their work in bringing this measure to the floor. I think it is an extremely important measure and one by almost any yardstick a great deal of waste and abuse in Government. I strongly support the measure and I urge my colleagues to do the same.

Mr. Speaker, I thank the gentleman for yielding and I welcome this opportunity to address myself to the need for the Office of Inspector General in 12 Federal departments and agencies. H.R. 8588, introduced by my esteemed colleague the gentleman from North Carolina (Mr. FOUNTAIN), creates the Office of Inspector General in 12 Federal departments to audit programs, to investigate waste, fraud, and abuse and to correct actions which may be deemed abusive and fraudulent.

I had the privilege to testify before the Government Operations Committee in June 1976 on behalf of legislation which I cosponsored creating an office of Inspector General in the Department of Health, Education, and Welfare. I felt then, as I feel now, that such an office is not only beneficial, but also serves to enhance the workings of any department or Federal agency of which it becomes a part. The Inspector General, responsible for investigations of fraud and abuse, is a symbol to the Congress and the public, that any department or agency desires efficiency and honesty within its ranks, and is not alone of an agency's willingness to tighten up on fraud in any of its programs.

The Congress was very disturbed to hear instances of abuse within the welfare administration concerned about the widespread nature of such abuse. It is imperative that each department and agency report to an independent office to ensure that the workings of such agencies are in keeping with the values of efficiency and accountability.

I am very pleased that the distinguished chairman of the Intergovernmental Subcommittee on Government Operations, the gentleman from North Carolina (Mr. FOUNTAIN) and the ranking minority member, the gentleman from New York (Mr. WYDLER) have seen fit to bring this legislation to the floor for our consideration. It is important legislation which must be passed. This measure is a necessary first step in the process of Government and department to bring about the kind of efficiency and accountability that we have seen from North Carolina (Mr. FOUNTAIN), the chairman of the subcommittee, who really put this bill together and guided it through the committee and here on the floor of the House. Although I rise in support of H.R. 8588, as amended, and urge its prompt approval, I do want to point out some things about the history of this legislation that I think is important for the House to know.

The bill originally was studied very carefully and extensively at the subcommittee level, and it was unanimously approved by the full Committee on Government Operations in August of last year. The bill was on the House Calendar last September 27. It was withdrawn at the last minute because of opposition by the Committee on Government Operations. Mr. Speaker, why the President should have been opposed to the concept of an Inspector General to fight fraud and abuse in Government programs is not clear to me, but I am pleased that finally, after some 7 months of unnecessary and tedious negotiations, the President has agreed to support the bill.

This bill to establish an Office of Inspector General in various Federal departments is clearly necessary, and it was a year ago. Its need has been recognized by everyone who has studied the issue of fraud and abuse in Government programs.

When we think, Mr. Speaker, that the estimates are that we are losing currently, through fraud and abuse, approximately $1 billion a month in our Federal programs, we can understand what the American taxpayers. I think it is important for the House to know.

This bill to establish an Office of Inspector General in various Federal departments is clearly necessary, and it was a year ago. Its need has been recognized by everyone who has studied the issue of fraud and abuse in Government programs.
Mr. FOUNTAIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas in support of H.R. 8588 which establishes an Inspector General in the Department of Health, Education, and Welfare. The amendment to the bill is one that I believe is necessary to provide for a vigorous, independent Office of Inspector General which will have the freedom to operate independently. I urge my colleagues to do likewise.

Mr. Speaker, this bill will provide appreciable benefits to the American people by improving the administration of Federal programs and reducing losses of taxpayers' money due to waste, inefficiency, and fraud. We had a good example just the other week of the important role an Office of Inspector General can play in an executive department when the annual report of the Inspector General of the Department of Health, Education, and Welfare was released. It found that $7 billion a year is being lost or wasted at HEW through mismanagement and fraud. That report is bound to have quite an impact on the people who run those programs. They are going to have to make sure they do not show up in next year's report.

With H.R. 8588, we will establish similar offices in six other executive departments and agencies. These IG's will not have any program responsibilities. They will be set up solely to conduct and supervise audits and investigations of programs. And the Inspector General, who will be appointed by the President, will not be under the control or supervision of anyone but the head of the agency.

After the Committee on Government Operations reported this bill last year, the administration raised some objections to it. They did not like certain parts of the reporting provision, which they felt raised a "separation of powers" problem. We agreed to sit down and try to work it out with them. We have done that. After many discussions and meetings we are working on new language for the reporting section. Now the reports from the Inspector General will go to the head of the agency; but they must be transmitted to the head of the agency within 30 days without any change, but including any comments the agency head wants to make.

The administration is satisfied with this language. The President supports the bill. The Committee on Government Operations reported the original bill unanimously. The amendments have been agreed to by the members on both sides and have been circulated among all the other members and we have heard of no objection.

This is a good bill, Mr. Speaker. It will strengthen the administration of our Federal programs and improve their integrity. It should be overwhelmingly approved by the House.

Mr. LEVITAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Speaker, I rise in support of H.R. 8588 which establishes the Office of the Inspector General within 11 of the Federal executive departments and agencies. The need to establish such offices having overall responsibility for detecting fraud and program abuse within these various agencies and departments has been underscored by the fact that too many people are sick and tired of seeing their hard-earned tax dollars go down the drain in waste and abuse of programs or line the pockets of thieves who defraud and steal from the Government.

My Government Operations Subcommittee on Intergovernmental Relations conducted extensive hearings both in this Congress and the last Congress. As a result of the hearings in the 94th Congress, an Office of Inspector General was established within the Department of HEW. Although only in operation for a year or so, the HEW Office of Inspector General has begun to prove itself to be effective in fighting fraud and abuse, and promoting Government efficiency and economy. A similar Office of Inspector General was set up in the Department of Energy created last year.

During the course of the subcommittee hearings, it was repeatedly pointed out by representatives of the various agencies whether the problem of fraud ran into billions of dollars. While acknowledging that fraud was a serious problem, no one was quite willing to admit the loss of billions of taxpayer dollars and preferred to say probably in the millions. However, the facts belie the situation. A recent report by the HEW Inspector General estimates that at least $6.3 billion to $7.4 billion was lost through fraud, abuse, and waste last year in that agency alone. GAO estimates that fraud in Federal economic assistance programs could amount from $12 billion to $15 billion a year and perhaps as much as $25 billion a year. I think those figures are still too low.

Present auditing and investigative capacity within the departments and agencies is woefully inadequate. The Department of Labor has only six trained criminal investigators to look into irregularities in expenditures of approximately $30 billion. One auditor can examine only $2 billion worth of contracts in a year. The Veterans' Administration had only one auditor for every $238 million in its budget. Moreover, the Justice Department which would prosecute cases of alleged fraud has only 13 attorneys and 3 supervisors within the fraud section of the civil division to handle about 1,200 active cases and a backlog of 4,000 cases.

In addition, serious deficiencies are evident in auditing and investigative procedures used by the departments and agencies. Most of the investigators within these departments cannot respond to complaints, as opposed to having affirmative programs to look for possible fraud and abuse. In some agencies, for example, the heads of the various offices without clearance from the administrators of the programs involved. Obviously, administrators have an allegiance to their programs and are not inclined to report fraud and reflect badly upon their program.
grams. Who wants to be identified with a program that is full of cheaters? We would like to bring to your attention a series of articles which have appeared in the New York Times over the past 3 days concerning fraud and abuse in Federal programs. These articles point out that Government defenses against fraud and abuse are meager. It appears to be easy to steal from the Government. This was again brought home to me when I was recently discovered that a DOT employee stole $856,000 in construction funds from the Atlanta rapid transit system. How was this done? The employee merely put his name on the checks and cashed them. Moreover, I understand that it was a fluke that this employee was even caught since an audit of the program from which the money was taken was not scheduled until 8 years later.

The bill we are considering today, H.R. 8588, will not rectify all problems. Of fraud and abuse within or against Government agencies, but it would be a significant step in the right direction. The Inspectors General to be appointed by the President with the advice and consent of the Senate will first of all be independent from the programs involved with the responsibility to divide allegiances. The Inspectors General will be responsible for audits and investigations only. They will report directly to the agency head and to Congress to alert them to particularly serious or flagrant problems, abuses or deficiencies. Their offices will also coordinate and recommend policies to promote economy and efficiency in the administration of programs and operations.

Moreover, the Offices of Inspector General would not be a new “layer of bureaucracy” to plague the public. They would deal exclusively with the internal operations of the departments and agencies. Their public contact would only be for the beneficial and needed purpose of reporting the findings of audits and investigations to agency administration and in the investigation of fraud and abuse by those persons who are misusing or stealing taxpayer dollars. As one who is committed to limiting the size of the bureaucracy and making it work better, the establishment of Offices of Inspector Generals can accomplish this by streamlining and coordinating various investigative units within the departments and agencies and consequently achieving better results.

I urge you to join me in supporting H.R. 8588. This bill will not create more government, but actually cut back on it and make certain that taxpayers get a dollar’s value for a dollar spent. It will save money and will also assure that those who committed these crimes do not get off easy, but are punished where they are supposed to go.

Mr. BAUMAN. Mr. Speaker, will the gentleman from North Carolina yield for a question?

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

Mr. BAUMAN. Mr. Speaker, in the course of consideration of the committee before reporting of this bill, did the committee hold any hearings that touched upon the abolition of the Office of Inspector General for the foreign aid program of the State Department?

I ask this question since a distinguished constituent of mine, Mr. John Shaw, served in that capacity until recently and was the last Inspector General of the Department of State. From discussions I have had with him and reports that he filed in that capacity, that if any program in the Government or any department needs an Inspector General, it is the foreign aid program and the State Department. Last year Congress abolished that position in a little noticed provision in the foreign aid authorization. Now we are legislating to extend the principle to other departments.

Mr. FOUNTAIN. I would like to respond to the gentleman by saying that the fact that the foreign aid program was not included in this legislation by no means should be construed to indicate that the subcommittee reached any conclusion that there was no need for an Inspector General for Foreign aid.

We did not include an Inspector General for the State Department and for foreign aid in the bill because we felt those agencies were involved in some significant differences from the activities of the 12 domestic agencies included in the bill. This was also true of the Department of Defense, which has military rather than civilian operations, and also one or two other agencies.

We felt that the time available for hearings would not permit us to do a thorough job on any more than the 12 departments and agencies covered by the bill. This certainly does not preclude or prejudice our looking at other agencies in the future.

I can assure the gentleman that I would be glad to take a look at the operations of the State Department.

Mr. BAUMAN. I appreciate that assurance. I must correct a misapprehension about a gentleman from North Carolina. Based on the critical reports that I read which were filed by Mr. Shaw during his service as Inspector General of the foreign aid program, I was led to believe that he was too effective and he stirred up much concern on the part of the higher-ups in the department. The net result was that the Office of Inspector General was abolished by this Congress, written into the foreign aid conference report last year.

This may be something that the gentleman’s committee should watch very closely, the fact that if these ladies and gentlemen become too effective, they get bounced out of office.

Mr. FOUNTAIN. The gentleman makes an excellent point. As a matter of fact, the Department of Agriculture at one time, as a result of an investigation by our subcommittee of the operations of Billie Sol Estes administratively established an Inspector General, Secretary Butz abolished it. Also, there are some other agencies that have them. That is why we wanted to make it statutory so that Offices of Inspector General could not be abolished administratively.

Mr. BAUMAN. I thank the gentleman. • Mr. FUQUA. Mr. Speaker, I am very pleased that this legislation is today considering this important legislation which was reported out unanimously by the Committee on Government Operations.

I am proud to cosponsor the legislation, now public law, which created the post of Inspector General within the Department of Health, Education, and Welfare that substantially strengthened the inclusion of an Inspector General in the legislation creating the Department of Energy.

The Inspector General at HEW has recently issued his first annual report and I believe this report clearly demonstrates the valuable contribution this position can make in our efforts to curb bureaucratic fraud, abuse, and inefficiency.

The Inspector General at HEW discovered that nearly 8 percent of that Department’s budget is, in one form or another, mishandled and never goes to assist any of the people we are all dedicated to helping. Our efforts to correct this are still ongoing but it would be even worse to go on without knowing what money is being wasted and why.

Congress continues to have a critical role to play in agency oversight investigations but the Federal Government has grown too large for Congress to effectively police it without the benefit of an on-the-spot watchdog such as an Inspector General.

The Inspector General will be in a unique position to advise Congress as to areas which merit prompt attention and we will be much more successful in reducing, and hopefully eliminating, program fraud and abuse.

Let us face the simple fact that we cannot begin to take necessary legislative actions to curb abuses if we do not have a frame of reference as would be provided by the Inspector General.

Let no one think, however, that the Inspector General within these agencies will be a “tool” of Congress or a “spy.” He or she, as a Presidential appointee, will be able to assist their agency heads and the President in determining what intra-agency actions can and should be taken to immediately correct problems. The President can direct improvements in many respects by Executive order but, like Congress, he needs up-to-date information and data.

The Inspector General will also be able to assist in determining what matters should be referred to the Justice Department for possible criminal action.

The costs of this legislation are modest... extremely modest when one considers the potential for savings to the taxpayer.

I am extremely enthusiastic about H.R. 8588 and I call upon my colleagues to join me in demonstrating to the American public that we in Congress are serious when we say we intend to do something about controlling the costs of the Federal Government and improving Government’s efficiency. I wholeheartedly endorse this bill and urge its acceptance.
Mr. BEDELL. Mr. Speaker, I rise in support of H.R. 8588, and ask permission to extend my remarks.

H.R. 8588 would establish Offices of Inspector General in the Departments of Agriculture, Commerce, HUD, Interior, Transportation, and in the Community Services Administration, the EPA, GSA, NASA, SBA, and the Veterans' Administration, by consolidating existing audit and investigative units in the Executive Office of the President and agencies. These offices would conduct and supervise audits and investigations of their respective establishments and recommend policies to promote economy and efficiency and to prevent fraud and abuse, under the direction of Inspectors General who have been appointed by the President and confirmed by the Senate. The Department of Health, Education, and Welfare and the Department of Energy already have statutory Inspectors General.

I believe that H.R. 8588 is a much-needed piece of legislation. The 12 departments and agencies covered by the bill are responsible for the annual expenditure of almost $100 billion. They have been too slow in uncovering the frustrations of the individuals, here in Washington and throughout the country.

Through congressional hearings, media news stories and piecemeal official investigations, we have been made aware that so much money and too little accountability have provided irresistible temptations for thousands of individuals of various socioeconomic backgrounds to systematically cheat the Federal Government and the American taxpayer. It has been estimated by the General Accounting Office, the investigative arm of Congress, that outright fraud, occurring primarily in Federal economic assistance programs, could amount to between $12-15 billion per year through "white collar" crime.

Up until now, we have allowed ourselves to slip into a pattern of institutional negligence which has enabled the Federal Government to become too easily cheated on an almost industrial scale. An all too frequent example of insufficient investigative efforts is the $6 billion Federal highway aid program to which the Department of Transportation last year assigned only four inspectors to root out fraud and abuse.

The resources devoted to auditing as a means of uncovering illegalities have been consistently inadequate to the task. According to the House Committee on Government Operations, in its report on the deficiencies in resources devoted to auditing and investigations, Inspector General (the length of time it takes for all activities to be audited) are incredibly long. General Services Administration inspectors took as long as 20 years to audit all activities with that agency's present resources. Other agencies' normal cycles reported were 13 years for the Department of Agriculture, 10 years for Interior, and 10 years for the Department of Transportation. The Small Business Administration, uninvolved according to the Department of the Interior report, estimated their audit cycles as 12 to 14 and 10 to 12 years respectively.

Witneses for the Department of the Interior and the Department of Transportation acknowledged that their departments have never audited some activities.

Unfortunately, these audit cycles extend far beyond the applicable statutes of limitations, and until these crimes, if they were indeed ever discovered, can thus not be prosecuted.

The House Government Operations Committee found many further cases of inadequate investigations. The Veterans Administration assignment of only one auditor for every $238 million in authorized program spending, and the Labor Department's budgeting of only three one-hundredths of 1 percent for investigations and audits out of almost $25 billion in annual expenditures, to list only two.

This shortage of personnel and money invested in the search for abuses is doubly unfortunate since many agencies have stated that additional auditors and investigators would more than repay their costs, and thereby recover their money.

For the auditors do have on their payroll, the Veterans' Administration, for example, has saved $2 million or recovered $2 million at a cost of less than $3 million. The General Services Administration estimates its ratio of savings to cost at 1 to 4. The National Aeronautics and Space Administration estimates a ratio of savings to cost at 3 or 4 to 1.

Unfortunately, because of inadequate auditing and investigative efforts, the prevailing practice within most departments and agencies has been to passively wait for complaints to rise through the layers of bureaucratic hierarchy to a level where they may or may not be dealt with. Often, because of indifference, a lack of resources or a fear of rocking the boat and doing harm to the status of one's own program, little, if any, remedy to the problem is found.

Occasionally, if a problem of fraud or abuse is widespread enough, it is discovered not within the Federal department or agency involved, but rather in the Federal Office of the Consumer, where abuses are now believed to have resulted in the mis-spending of 24 percent of Medicaid funds. winnings are now expected in cases involving at least 290 doctors and 245 pharmacists.

There are many other recent examples of similar cases, most of them complex and involving large sums of money. In one, the Government is trying to recover $24 million from Cook Industries which, through short weighting, misgrading, or adulteration of grains, defrauded the Government on grain sales to 32 foreign countries. While Cook Industries operated under the cover of the Medicaid program, where abuses are now believed to have resulted in the mis-spending of 24 percent of Medicaid funds.

Mr. Speaker, beyond the enormous monetary costs of these thefts, there are also extremely significant social costs. Such crime does great harm to the programs established and implementing the authority of the Congress to meet real and pressing national needs. When the integrity and effectiveness of these programs are questioned, the good intentions of those who must rely on the honesty and integrity of their Federal Government become the true victims. To my mind it has been demonstrated that there is indeed ground for apprehension among our people that waste has been allowed to run rampant and that a few, if they are dishonest and clever enough, have clear opportunities to steal from the Federal Government and the American people. I believe that if we are going to restore integrity in Government and at the same time stem the bleeding of billions of dollars in tax revenues away from their intended uses, we should implement and fully support offices of Inspectors General in the various Federal departments.

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

The SPEAKER pro tempore. The question is on the motion by the gentleman from North Carolina (Mr. FOUNTAIN) that the House suspend the rules and pass the bill H.R. 8588, as amended.

The question was taken.

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

The yeas and nays were ordered reported. The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

HUMPHREY INSTITUTE AND DIRKSEN CENTER ACT

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2452) to authorize funds for the Hubert H. Humphrey Institute of Public Affairs and for the Everett McKinley Dirksen Congressional Leadership Research Center.

The Clerk read as follows:

S. 2452
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 "Hubert H. Humphrey Institute of Public Affairs and the Everett McKinley Dirksen Congressional Leadership Research Center Assistance Act".

Sec. 2. (a) In recognition of the public service of Senator Hubert H. Humphrey, located at the University of Minnesota, Minneapolis, and that of Senator Everett McKinley Dirksen, located at the University of Illinois, Chicago, and in accordance with the provisions of this Act except upon an application at such time, in such manner, and containing accom-
I yield myself such time as I may con­sume.

The SPEAKER pro tempore. Is a second demanded?

Mr. BAUMAN. 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 Michigan (Mr. Ford) will be recognized for 20 minutes, and the gentleman from Maryland (Mr. BAUMAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker. S. 2452 is the Senate-approved version of legislation which has earlier passed the House to authorize a one-time appropriation of $5 million for the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota. In honor of our late Vice President, this institute was founded last year "to perpetuate the innovative, creative, and humane approach to public service exemplified by the career of Senator Hubert H. Humphrey—a center for the education, stimulation, and recruitment of bright young men and women for positions in public and community service."

The Humphrey memorial bill was introduced on January 30 and was cosponsored by my distinguished colleague, the ranking minority member of the Appropriations Committee and Labor Committee (Mr. QUIE). It was reported unanimously from committee on February 8. It is a truly bipartisan proposal with close to 50 House sponsors.

The Senate passed it with an amendment on March 22 by a voice vote. The House version was adopted under suspension on February 21 by a vote of 356 to 53.

This gift from a grateful nation will provide a portion of the funds necessary to support the institute which Senator Humphrey asked to be his memorial. Through the institute, this living memorial will provide substantial scholarships to attract and train creative young people for leadership positions in public service and will offer programs of continuing education to professionals in the private and public sectors and to the general public.

The institute, Mr. Speaker, will create professorial chairs in public affairs and planning, graduate fellowships, public service internships, and lecture series. It will provide research and reference service for the Humphrey archives and will provide for a continuous updating and expansion of the Humphrey library collection.

The fund will make grants to faculty and advanced students for research projects in public policy and planning. The institute will also administer hubs of applied research projects for local officials and political units. Finally, the institute will help support the university’s weekly forum on contemporary public issues.

In recognition of the international stature of Senator Humphrey and his role as a great statesman, other nations are planning to make significant contributions to the institute with the belief that there will be created at the University of Minnesota a center of great value to the international community.

Certainly, it is fitting for our colleagues to adopt this legislation joining other governments of the world in honoring the memory of this great American by contributing to the establishment of an institute to perpetuate the dedication to our democratic system demonstrated by former Vice President Humphrey during his entire public career which stretched over four decades.

The amendment added in the Senate authorizes $2,500,000 to assist in the development of the Everett McKinley Dirksen Congressional Leadership Research Center in Pekin, Ill. According to the board of directors, the goal of this center is "to serve as an educational institution for the art and science of American politics and American government, in particular the role of the United States Congressional Leadership."

Mr. Speaker, there are certainly ample precedents for legislation of this sort. In memory of the late Senator Allen J. Ellender, Congress provided funds for grants in the form of fellowships to support the Close-Up program. Legislation was enacted to assist the Wayne Morse Chair of Public Affairs at the University of Oregon in honor of the late Senator. To house the late Speaker’s papers, Congress provided $250,000 to assist the Sam Rayburn Library in Texas. Our late Presidents are also honored in similar fashion.

Mr. Speaker, I hope we can demonstrate our gratitude to Hubert Humphrey by giving this legislation unanimous approval today.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Michigan yield?

Mr. FORD of Michigan. I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I rise in support of S. 2452, a bill authorizing $5,000,000 for the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota and $2,500,000 to assist the Everett McKinley Dirksen Congressional Leadership Center in Pekin, Ill.

S. 2452 passed the Senate on March 22, 1978, with strong bipartisan support.Earlier this year, Mr. Speaker, on February 21, by a vote of 356 to 53, the House passed a companion bill providing $5,000,000 for the Humphrey Institute.

The House bill, which enjoyed such wide support, paid tribute to the late Senator from Minnesota in what I consider a most appropriate manner.

I want at this point to compliment Mr. WILLIAM D. FORD, chairman of our Subcommittee on Postsecondary Education, who has been very active in bringing this legislation through the House. I would also like to commend Mr. QUIE, the ranking minority Member, and members of the committee for their bipartisan support of this worthwhile legislation.

Mr. Speaker, the Senate provision honoring the late Senator from Illinois, is a most appropriate one—since it is concerned with the subject of congressional leadership. The Senate provision will add $2,500,000 to an endowment established by Senator Dirksen's estate for the Center for Congressional Leadership.

I am sure the provision added by the Senate is quite acceptable to my colleagues on this side, because of the man whose memory is honored in this way.

I want to assure my colleagues that these types of memorials are not without precedent—for the Congress has already authorized funds to establish the Allen J. Ellender Fellowships; the Herbert Hoover Memorial; the Harry S. Truman Memorial Scholarship Act; and the Wayne Morse Chair of Law Politics.

Because both provisions in S. 2452—the Humphrey Institute and the Dirksen Research Center—will aid research and study leading to greater excellence in our public leaders, I believe every Member of this body can vote in favor of the bill.

I therefore urge unanimous approval of S. 2452.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman from Kentucky (Mr. PERKINS) for his contribution today and for his total cooperation in making possible the early consideration of this legislation. We were faced, frankly, with a situation where people outside of this country were showing a response greater than we have ever had for the gentleman from Kentucky (Mr. PERKINS) insisting on rapidly moving this legislation before his committee, we would not be here today.

Mr. BAUMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE). Mr. QUIE. Mr. Speaker, I join with the gentleman from Michigan (Mr. FORD) in support of the motion to take from the Speaker's desk S. 2452 and agree to the same with an amendment. As one of the original authors of the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota Twin Cities Campus bill, I am very pleased at the swift action of the Congress in dealing with this legislation. I would support the action of the other body in adding an authorization for the Everett McKinley Dirksen Congressional Leadership Research Center.

I am hopeful that the Subcommittee on Labor-HHEW of the House Appropriations Committee will act in its marked tradition of early action to include the $5 million authorized in the legislation for the Humphrey Institute.
As I have often said before, Hubert Humphrey was a remarkable individual. His contributions to the Nation and his native State of Minnesota are legion and known to us all. There can be no more fitting memorial for him than the furtherance of an institute directed at public affairs and public policy, to attract the best and brightest of young professionals to enter into that field. The location of the institute at the University of Minnesota is an ideal choice and will make the programs of the Institute available to the students and professionals from around the Nation and the world. The $20 million fundraising drive, of which the Federal share will be only one-quarter, will accomplish the following, according to information supplied by the university:

**HOUSING FOR THE INSTITUTE**

A central campus location has been selected as the site for a new building to house the institute. This facility will provide adequate space to accommodate the institute's programing objectives. It also will provide display and public reception areas.

**FIVE PUBLIC SERVICE INTERNSHIPS**

As part of the institute's degree programs, all students must complete an internship to augment their academic training with job experience in public affairs work. Normally, interns are paid for their services. A portion of the endowment will be used to support interns who work for those public agencies and quasi-public and private nonprofit organizations that cannot afford to provide remuneration.

**LECTURESHIPS**

In the past, the public affairs school annually has appointed more than a dozen planners, governmental officials, and professionals in private practice to offer courses and workshops in their specialties. These programs are offered both for degree-seeking and continuing education students. To expand this outreach program, continuing education and professional training, the need for these additional lectureships has been identified for the institute.

**HUMPHREY ARCHIVES**

An extensive collection of Senator Humphrey's papers will be cataloged and maintained by the Minnesota Historical Society. The institute will provide a curator and reference service for the documents.

**HUMPHREY LIBRARY COLLECTION**

To serve the expanded programs of the institute, the endowment will provide for a continuous updating and expansion of the public affairs library collections.

**DISPLAY AREA**

While the bulk of the Humphrey papers will be housed at the Minnesota Historical Society, a selection of the papers and some memorabilia will be displayed at the institute. Situated nearby will be a public reception area.

**PROBLEM SOLVING THROUGH RESEARCH**

A fund will be established to make grants to faculty and advanced students for research projects in public policy and planning. The fund also will support the development of applied research projects for local officials and political organizations.

**PUBLIC AFFAIRS FORUM**

Currently, the university produces and sponsors a weekly forum on public television which provides an indepth analysis of major public issues by key policy-makers. Moreover, the endowed endowment will help support the continuation of this forum and expansion of its programming.

As I noted when the House considered this legislation in February, there is ample precedent for this legislation. I urge my colleagues to join with me in supporting the motion of the gentleman from Michigan.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL), for his expertness.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Maryland for yielding.

I want to take the opportunity here first to thank my friend, the chairman of the subcommittee, the gentleman from Michigan (Mr. Ford), and the ranking minority of the subcommittee, the gentleman from Minnesota (Mr. Quie), for their kindness in accepting the language which was added by the Senate which for all practical purposes took on the text of the bill, H.R. 11000, which I had introduced here in the Democratic package. However, there was not enough time for a hearing on my proposal so that it could have been included at the time we in the House originally considered this bill in honor of Hubert H. Humphrey.

Mr. Speaker, I think it is very appropriate, now that we have the two tied together. Both Senator Humphrey and Senator Dirksen were towering figures in the other body. They were leaders in the finest sense of the word. Both were regarded as official spokesman for their parties and always relied heavily on their advice. Both were eloquent and noted for their ability to speak at length. They were at their best in debate. Both were witty and never at a loss for an appropriate anecdot.

Someone asked me why if we were honoring both men we should have only half the money in the measure for Dirksen that we do for Hubert H. Humphrey. My answer to that question quite frankly is that if both men were supporting essentially the same program, Evanskin's solution would have cost the taxpayers half of Hubert Humphrey's solution.

It is unfortunate that we could not have the two men here to debate the merits or demerits of these different figures. They would have us in stitches, I am sure.

I said, Mr. Speaker, I am very happy that the subcommittee has seen fit to marry the two proposals together.

Everett McKinley Dirksen was elected eight times to represent the people of the district that I now have the honor of representing. He was elected U.S. Senator four times. He always remained a man who never forgot the basic principles of the people he represented. That is why this grant of $2.5 million to the Dirksen Congressional Leadership Research Center in Pekin, Ill. is such a fitting tribute to his memory.

The Dirksen Center will honor the memory of the Senator in a way he himself would heartily approve. As Dirksen himself envisioned this center, it will be a place where government, political science and of history, from here and abroad, will come to inquire, to learn, to understand, and, hopefully, to be inspired by his greatness.

The institute will be a place full of life and energy and the spirit of youth and idealism, a spirit Dirksen never lost throughout his life. Perhaps most important, it will be devoted to the study of politics and congressional leadership in particular, two subjects about which there can be no doubt concerning his greatness.

The center got its seed money from the estate of the late Senator, when he died in 1969 and an endowment was established to perpetuate the center located in Pekin, Ill. Approximately $1.5 million has been raised through private fundraising to date.

The long-range goals of the center are:

To serve as an educational institution for the arts and sciences of American politics and American government, in particular the study of the United States Congressional leadership.

Current activities and planning for the Dirksen Center include:

Educational programs for all levels, from secondary to post-graduate, including the American public at large;

Timely seminars throughout the United States on current public policy issues;

PUBLICATIONS AND OTHER PROJECTS TO ENCOURAGE A BETTER UNDERSTANDING OF THE CONGRESS; AND

EXHIBITS AND REVIEWS OF RESEARCH MATERIALS AVAILABLE AT THE CENTER FOR THE STUDY OF CONGRESS AND CONGRESSIONAL LEADERSHIP.

If Everett Dirksen were here, I am certain he could conclude these remarks with some typically wry and witty story and that he would leave us all a bit happier and a bit more informed than we were before he spoke.

He was unique and irreproachable. So I want to express to the subcommittee thanks of the people of the 18th Congressional District of Illinois and the people of the State of Illinois. Although the center is located in the land and
among the people he loved and knew best. Ev Dirksen would, I am sure, want everyone to know that the center will serve all Americans who want to know more about the way we govern ourselves.

Mr. BAUMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I assume that in the flood of Federal spending that this is considered only a small droplet containing, as it does, about $71 1/2 million. However, Mr. Speaker, I object to Federal spending and what originally I do not feel it is an appropriate form of remembrance for any national figure. I know that some former Presidents have had Federal funding used to finance their libraries. But the honor bestowed upon them is now being extended to Vice Presidents and Senators and on and on. As I say, I do not feel it is the proper way in which to honor these men. I believe that their public careers should be their own monuments rather than to ask the public to pick up the cost of these projects out of Federal dollars. I believe that is a disservice to the taxpayers. Especially in view of the fact that when the legislation was originally before us it was only for former President Hubert Humphrey. Now it comes back from the other body adding $2 1/2 million for the Everett McKinley Dirksen Congresional Leadership Research Center in Peoria, Ill. This is an example of Federal back scratching. I suppose another grant such as this does not greatly affect the Congress of the United States, except for its significance as a measure of your seriousness in fighting inflation.

We were told that this was to be the monument to Senator Humphrey, a grant to the University of Minnesota. Now I notice that the Committee on House Appropriations has reported out the Hubert Humphrey Fellowship in Social and Political Affairs that we will be asked to vote on for another $1 million. Where is this going to go? The possibilities are almost endless in which the taxpayers will be asked to fund projects for every deceased statesman. I think it is inappropriate. For that reason I oppose the legislation.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I can appreciate the concern expressed by the gentleman from Maryland. I regret that the gentleman seems to miss the point of this action being taken by the House and the action that was taken by the other body. All we are doing here is the authorization of an expenditure of moneys to educate young Americans and to do that under circumstances that will honor the people who for many years represented the need for the Federal Government to support education and the need for the broadening of our cultural attainments in this country by the use of Federal resources.

This is not a new procedure from the precedents which the Members can find if they will look in the report of our committee, or if Members review the list which I will insert at this point in the Record.

Pecrecents: The Congress has authorized appropriations for memorial to several outstanding public servants—including President Lincoln, Senators and Members of the House of Representatives.

Allen J. Ellender Fellowship Program (1972): Fellowships to disadvantaged second-year college students and their teachers to participate in a Washington public affairs program (Close-Up Foundation). Now $1 million per year.


Authorizing the surcharge money of the Treasury to give one-tenth of all money derived from the sale of $1 proof coins (Eisenhower Silver Dollars) to the Eisenhower College (provided that the Eisenhower College transfers one-tenth of all the money received pursuant to this Act to the Rayburn Library in Texas).

Herbert Hoover Memorial (1975): ($7 million).

To establish an appropriate memorial to the late President, grants to the Hoover Institution on War, Revolution and Peace at Stanford University.

Harry Truman Memorial Scholarship Act (1975): $50 million to a scholarship fund for "persons who demonstrate outstanding potential for leadership and who plan to pursue a career in public service."

Wayne Morse Chair of Law and Politics (1976): Grants to universities, non-profit groups, and community colleges to pay up to 50 percent of the cost of establishing the chair at the University of Oregon.

For instance, the Allen Ellender fellowship program, which includes the Close-Up Foundation, grants to many of the people here on the floor have participated in. Others are grants to the Eisenhower College and to the Rayburn Library; the Herbert Hoover Memorial, which is a $7 million act; the Harry S. Truman Memorial Scholarship Act, which is a $30 million program; the Wayne Morse Chair of Law and Politics; and the LBJ Intern program. None of these programs are for the purpose of building a monument or buying a piece of stone. They are for perpetuating a spirit of providing access to education in fine institutions of this country for this and future generations of Americans.

Mr. Speaker, I yield to the senior gentleman from Minnesota (Mr. FRASER) such time as he may consume.

Mr. FRASER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the bill to authorize funds for the Hubert H. Humphrey Institute of Public Affairs. This institute will be a magnificent monument to the work of Hubert Humphrey. During the last months of his life he spoke of the institute as one of his dreams. This new effort was important to him because it would help young people for a career of public service. For him there was no more important calling, and he knew that the institute would, in a small but significant way, help to facilitate society function more effectively.

I can think of no better way to perpetuate Hubert Humphrey's commitment to social, political, and economic justice than to provide a strong and permanent foundation for this important new educational institution that will bear his name.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Speaker, I first want to commend our colleague, the gentleman from Michigan (Mr. Ford) for his leadership in bringing forth this legislation to the House.

Mr. Speaker, I rise in support of the bill. Hubert Humphrey never sought the kind of memorial that could only be visual and photographic. He never sought the kind of memorial that gains its dignity and its beauty from quiet. On the contrary, Hubert wanted a noisy memorial full of people, full of books, full of debate, full of history, and full also, of the promise of this country and the promise of our people.

He sought in short, a memorial that epitomized the kind of individual that he himself was: devoted to education, devoted to solutions, and devoted to young people with his commitment to a workable, compassionate, people-oriented government.

Before he was a politician and a statesman, Hubert was a teacher and an educator.

He never gave a speech without attaching a little lesson to it. If there was something to learn, Hubert tried to teach it;

If there was something to teach, Hubert tried to teach it.

Almost every effort he made in public life was an effort to help someone or encourage someone to live up to full potential: to contribute, to seek solutions, to exchange ideas, and to see not only the kind of world we do live in, but to envision and build the kind of world we ought to live in.

The Humphrey Institute for Public Affairs and the Dirksen Leadership Research Center continue the efforts, the commitments, the vitality, and the promise of new Hubert Humphreys and Everett Dirksens, individuals with the ability not only to make history in America, but throughout the world, but to foresee it.

Mr. Speaker, I urge my colleagues to pass this legislation overwhelmingly.

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

Mr. NOLAN. Mr. Speaker, I yield to the gentleman from Minnesota.
positions in public and community service.

The institute will be unique. It is for students who want to be administrators and legislators. And it is structured to meet the needs of our changing times and changing policies.

The lessons that Hubert Humphrey taught us during his four decades of leadership and public service—lessons of decency, integrity, courage, and compassion—are the basic principles underlying the institute's curricula and programs. Hubert Humphrey's record, his vision, and his commitment to it.

I demand the yeas and nays.

Pursuant to clause 3, rule XXVII, the motion on which further proceedings is on the motion (S. 2452) that the House suspend the rules and pass the bill H.R. 8588, as amended.

The Clerk read the title of the bill.

The Speaker pro tempore. Pursuant to clause 3, rule XXVII, the vote in this series.

The question was taken.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The Speaker pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. Ford) that the House suspend the rules and pass the Senate bill (S. 2452), as amended.

The yeas and nays were ordered.

Mr. FORD of Michigan, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their remarks with prior announcement, further proceedings.

General Leave

Mr. FORD of Michigan, Mr. Speaker, I yield back the balance of my time.

The Speaker pro tempore. The Speaker pro tempore. The Speaker pro tempore.

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

The yeas and nays were ordered.

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

General Leave

Mr. FORD of Michigan, Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Authorization by the Speaker

The Speaker pro tempore. Debate has been concluded on all motions to suspend the rules. Pursuant to clause 3, rule XXVII, the Chair will put the question on each motion except those proceedings were postponed in the order in which that motion was entertained. Votes will be taken in the following order:

H.R. 8588 and S. 2452, on which the yeas and nays were ordered.

The Speaker pro tempore. The Speaker pro tempore. The Speaker pro tempore.

The Clerk announced the following pairs:

Mr. Howard with Mr. Armstrong. Mrs. Burke of California with Mr. Vandenberg.

Mr. Gammage with Mr. Rupke. Mr. Walgren with Mr. Vander Jagt.

Mr. Dingell with Mr. Connelly. Mr. Ford with Mr. Connelly.

Mr. Ford with Mr. Cannon. Mr. Brown of California with Mr. Cannon.

Mr. Rupke with Mr. Cannon. Mr. Vandenberg with Mr. Cannon.

Mr. Vandenberg with Mr. Cannon. Mr. Dingell with Mr. Cannon.

Mr. Cannon with Mr. Dingell. Mr. Cannon with Mr. Dingell.

Mr. Dingell with Mr. Cannon. Mr. Cannon with Mr. Dingell.

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Mr. Dingell with Mr. Cannon. Mr. Cannon with Mr. Dingell.

Mr. Cannon with Mr. Dingell. Mr. Canon...
Mr. Whitsey with Mr. Conyers. Mr. Alexander with Mr. Tucker.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The vote was announced as above recorded.

The title was amended so as to read: "A bill to reorganize the executive branch of the Government and increase its efficiency and by establishing Offices of Inspector General within the Departments of Agriculture, Commerce, Housing and Urban Development, the Interior, Labor, and Transportation, and within the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration, and for other purposes."

A motion to reconsider was laid on the table.

ANNOUcNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Rostenkowski). Pursuant to the provisions of clause 3(b)(3) of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional business is the question of suspending the rules and passing the bill S. 2452, as amended.

There was no objection.

The result of the vote was announced as above recorded.

The Clerk announced the following pairs:

Mr. Rodino with Mr. Don H. Clausen.
Mr. Kasen with Mr. Cavanaugh.
Mr. Cochran of Mississippi with Mr. Armstrong.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The vote of the result was announced as above recorded.

The title was amended so as to read: "A bill to authorize funds for the Hubert H. Humphrey Institute of Public Affairs and for the Everett McKinley Dirksen Congressional Leadership Research Center."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have 5 legislative days in which to revise and extend their marks on the bill H.R. 8588, establishing Office of the Inspector General.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file a privileged report.

The SPEAKER pro tempore. Is there
objection to the request of the gentleman from California? There was no objection.

**ZUNI INDIANS—CLAIMS CASE**

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1126

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. 3787) to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona. After general debate, which shall not exceed one hour, a motion to recommit the bill may be made without intervening motion except one motion to require a three-fifths vote. After the adoption of the motion to recommit, the bill shall be considered as ordered to a third reading. If the bill is not recommitted, the provisions of the previous question shall be in order and the previous question shall be disposed of by a roll call vote. If the bill is recommitted, the provisions of the previous question shall not be in order until the bill is reported to the House. After the adoption of the report, the provisions of the previous question shall be in order and the provisions of the rule allowing consideration of H.R. 3787 as passed by the House shall be considered as ordered to a third reading.

Mr. Speaker, H.R. 3787 seeks to address certain problems confronted by the Zuni Indians of New Mexico. Basically the bill does two things. It directs the Secretary of Interior to acquire, through purchase or exchange, 618 acres of land including 538.41 acres of land including Zuni lake and to hold the land in trust for the Zuni Indian Tribe. This lake is the most sacred shrine of the Zuni Indians and plays a very prominent role in the present religion and culture of the Zuni people. It is located about 18 miles south of the existing reservation boundary. The Zuni Indians have made repeated efforts to purchase the lake and have recently acquired lease rights to the area from the State of New Mexico which holds title to the land.

The bill also provides that the Zuni Indian Tribe may file any claims they may have against the United States in the U.S. Court of Claims. The Zuni Indians are currently prohibited from filing land claims in court because they did not file their claims by 1951, the cutoff date mandated by the Indian Claims Commission Act. Until recently the Zuni Indians were represented by the Bureau of Indian Affairs. Due to certain misunderstandings, the tribe, apparently, was not aware of rights to file land claims with the Indian Claims Commission during the appropriate time frame. This bill simply allows the Zuni Indians to go to court to pursue their claims.

Mr. Speaker, again I say, although I do not represent the Zuni Indians, I am aware, as are many of my western colleagues, of their very fine reputation as firekeepers. The Zuni Indians are renowned for their work parachuting into forest fires to put out hot spots. The Zuni Indians are owed a debt of gratitude by all of us for the valiant service they have performed over the years in helping to protect our national forest resources.

Mr. Speaker, H.R. 3787 is a bill worthy of consideration by this House. I urge my colleagues to adopt House Resolution 1126 so that we might begin deliberations on this matter.

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

Mr. Speaker, this is a 1-hour, open rule providing for the consideration of H.R. 3787, legislation for the Zuni Indian Tribe of New Mexico. The rule also provides that after passage of this bill, the Interior and Insular Affairs Committee is discharged from further consideration of S. 482; it will be in order to move to strike the Senate language therein and substitute the text of H.R. 3787 as passed by the House.

As reported, H.R. 3787 directs the Secretary of the Interior to acquire, either through purchase or exchange, from the State of New Mexico approximately 618 acres of land which encloses the Zuni Salt Lake, the most sacred shrine of the Zuni Tribe. Title to the lands is to be taken by the United States and held in trust for the benefit of the Zuni Indians. In addition, the bill confers jurisdiction on the U.S. Court of Claims to hear and render judgment on land claims arising prior to August 13, 1946, which the tribe has asserted against the United States. The bill is made by the Indian Claims Commission with respect to these lands located in New Mexico and Arizona is not to be considered as a defense, estoppel, or setoff to these claims.

The cost of acquiring the 618 acres outright is estimated at $30,000. If there is an exchange, no budget impact will occur. The costs of the land claims is dependant upon the judgment of the court. I know of no objection to the passage of this rule.

Mr. SISK. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RONCALIO. 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. 3787) to direct the Secretary of the Interior to purchase and hold certain lands in trust for the Zuni Indian Tribe of New Mexico; to confer jurisdiction on the Court of Claims with respect to land claims of such tribe; and to authorize such tribe to purchase and exchange lands in the States of New Mexico and Arizona.

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

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. 3787, with Mr. LOTT as chairman.

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 Wyoming (Mr. RONCALIO) will be recognized for 30 minutes and the gentleman from Colorado (Mr.
JOHNSON will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wyoming (Mr. RONCALIO).

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

Mr. Chairman, H.R. 3767 provides for the acquisition of certain lands of religious significance to the Zuni Indian Tribe and for the filing of Zuni land claims against the United States.

Section 1 of the bill directs the Secretary of the Interior to acquire for the Zuni Tribe 600 acres of land in New Mexico surrounding and containing the Zuni Salt Lake. The lake is a sacred, religious shrine of the Zuni traditional religion, but was excluded from the Zuni Reservation. The land is currently in the ownership of the State of New Mexico which is willing to sell or exchange the land.

The lands were leased by the State for development as a salt mine. This desecration of the shrine was an affront to the Zuni who have continuously sought to recover ownership of the lake. Recently, the tribe paid $250,000 for the right to the lake to prevent further desecration. The appraised value of the land itself is only $30,000. This provides strong support for the acquisition of the lake to prevent any possibility of further desecration and to secure to the Zuni their right to religious worship.

Section 2 of the bill authorizes the Zuni Indian Tribe to file its land claims against the United States with the Court of Claims notwithstanding the limitation contained in the Indian Claims Commission Act of 1946.

Mr. Chairman, as I stated to the Rules Committee on two occasions, it is not the intent of the Interior Committee to upset the underlying policy of the Indian Claims Commission Act to bring to an end these old land claims of the Indian tribes. Nor is it our policy to reopen the floodgates to these kinds of claims.

For the few claims remaining, it is the committee’s policy to review each of these requests on an individual basis and on their individual merits.

In hearings before the House Indian Affairs Subcommittee in 1976 and again in 1977, the Zunis set forth convincing evidence that the BIA agents misled the tribe as to their rights and their obligations to act to protect their interests before a deadline. As a consequence, no claim was ever filed.

Second, the legislation would permit the Indian tribe to file with the U.S. Court of Claims for compensation for land lost due to the Federal Government’s failure to protect them in their ownership. The filing deadline under the Indian Claims Act expired in 1951.

In hearings before the House Indian Affairs Subcommittee in 1976 and again in 1977, the Zunis set forth convincing evidence which I strongly believe justifies this waiver of the statute. It is clear to me that the Zuni people have been unjustifiably deprived of their right to file and are deserving of compensation for the loss of these lands.

According to the Bureau of Indian Affairs, in testimony offered by the Ford Interior Department in 1976 and the Carter Interior Department in 1977, there have been made by the BIA agents of Indian Affairs not only failed to perform its trustee obligations to the tribe, but there is a clear inference in the evidence that the local BIA agents misled the tribe as to their rights and their obligations to act to protect their interests before a deadline. As a consequence, no claim was ever filed.

Mr. Chairman, this default is even more inexcusable when you realize that the Zuni people and their leaders, at that time, were told no employees or staff of their own; had no legal counsel; were illiterate in English; and were entirely dependent upon the Bureau of Indian Affairs for advice and assistance.

There is a section 3 which the committee recommends be stricken. I will offer that amendment and another committee amendment at the appropriate time.

Mr. Chairman, I urge passage of the bill, as amended.

Mr. Johnson of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. Lujan).

Mr. Lujan. Mr. Chairman, I might inform the Members that this bill has already been passed by the Senate. Of course, it is awaiting House action.

Mr. Chairman, this bill would accomplish two important purposes, the first, it would direct the Secretary of the Interior to permit by land trade the Zuni Indian Tribe to acquire for the Zuni Tribe 182 acres upon which is located the Zuni Salt Lake, the most sacred shrine of the Zuni people. Though there is minimal commercial value to the desert land involved—approximately $30,000—New Mexico law prohibits the State from selling land to anyone but permits land transfers to the Federal Government. Hence, the shrine legally lost by the tribe many years ago, but cared for by them ever since, can only be restored to the tribe by Federal action.

Second, the legislation would permit the Zuni Indian tribe to file with the U.S. Court of Claims for compensation for land lost due to the Federal Government’s failure to protect them in their ownership. The filing deadline under the Indian Claims Act expired in 1951.

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the record my further support of the bill, reinforcing the support of my col­league, the gentleman from Colorado (Mr. JOHNSON).

There is nothing in the record that would indicate that the superintendent of the agency did anything to promul­gate or make known the contents of the Indian Claims Commission Act to the Zuni people. In fact, there are affidavits in the hearings before the subcommittee that indicate there never were any pub­lic meetings held to discuss the Indian Claims Commission Act and that the content of the letter from the Indian Claims Commission was never made public, translated or otherwise made known to the Governor, the tribal coun­cil, or to the people in general.

The record further indicates that offici­als of the BIA having jurisdiction over the Zuni Tribe prepared a letter for the Governor’s signature wherein the Gov­ernor was made aware of any claim which the Zuni Tribe may have had against the United States.

The Governor who signed the letter stated in an affidavit that when he signed the letter he knew nothing about the claims, he did not know what he was signing but assumed that it had some­thing to do with the Homestead Act. The prepared letter was then forwarded to the Indian Claims Commission.

It should be noted that other than the Bureau of Indian Affairs, the Zuni Tribe had no offices, no employees, no tribal counsel, nor any other person in a position to provide it with information about the Indian Claims Commission Act, and it ill-behooves the guardian to benefit from a transaction which has been done as a violation of a stated trust responsi­bility, not only on the part of the super­intendent of the Zuni people but in fact by the people of America, as it related to any amount of acreage.

So, Mr. Chairman, I urge the adoption of H.R. 3787.

Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 3787 which provides for the settlement of claims by the State of New Mexico of 618 acres of an area of “historical and religious” significance to the Zuni Indian Tribe known as “Salt Mother,” to be held in trust for the tribe.

This legislation also provides the follow­ing: A 3-year time limit for the Zuni Indians to assert their claim before the Indian Claims Commission, and confers jurisdiction for the court of claims.

This legislation recognizes past injustices and the efforts we must make to correct them. Taking all aspects of this bill into consideration, the affirmative support shows compassion for the Zuni Indian Tribe at an extremely nominal cost to the American taxpayer.

Mr. RONCALIO. Mr. Chairman, I yield the balance of my time.

The CHAIRMAN. If there are no fur­ther requests for time, the Clerk will read.

The Clerk reads as follows:

M.R. 3787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) shall ac­cept, through purchase or exchange, the lands described in subsection (b).

(b) The lands to be acquired under sub­section (a) shall be taken and held in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico (hereinafter in this Act referred to as the “tribe”), and such lands shall be exempt from State and local taxation.

(c) Title to the lands to be acquired under subsection (a) shall be taken and held in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico (hereinafter in this Act referred to as the “tribe”), and such lands shall be exempt from State and local taxation.

Sec. 2. (a) Notwithstanding sections 2401 and 2402 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052; 25 U.S.C. 70k), jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment on any claims of the tribe against the United States with respect to any lands or interests therein in the State of New Mexico or the State of Arizona held by abo­riginal title, otherwise, which were acquired from the tribe, or otherwise, to the extent of any failure of the tribe to exhaust any available administrative remedies. Any party to any action under this subsection shall have the right to have any final deci­sion of the Court of Claims reviewed by ap­peal to the Supreme Court of the United States.

(b) (1) Any award made to any Indian tribe other than the Zuni Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim made by the tribe under subsection (a) shall not be considered as a defense, estoppel, or setoff to any such action with respect to the tribe, or the tribal government, in any other court, or in any other proceeding, against the United States or any agency or department of the United States; and for purposes of making additions to the Indian Claims Commission, or any other authority, with respect to any lands that are the subject of a claim made by the tribe under subsection (a) shall not be considered as a defense, estoppel, or setoff to any such action with respect to the tribe, or the tribal government, in any other court, or in any other proceeding, against the United States or any agency or department of the United States.

(c) Title to any lands acquired by the tribe under subsection (b) which are not contiguous to the Zuni Indian Reservation shall be held in trust in the name of the tribe, and shall be exempt from State and local taxation.

Sec. 3. (a) For purposes of making additions to the Indian Claims Commission, or any other authority, with respect to any lands that are the subject of a claim made by the tribe under subsection (a), the tribe may, subject to approval by the Sec­retary, purchase or otherwise acquire any lands within the State of New Mexico or the State of Arizona which are contiguous to such reservation.

(b) The tribe may, subject to approval by the Secretary, purchase or otherwise acquire any lands within the State of New Mexico or the State of Arizona which are contiguous to such reservation.

Mr. RONCALIO (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 from the gentleman from Wyoming?

There was no objection.

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

The Clerk reads as follows:

Committee amendment: Page 2, line 17 through page 3, line 1, strike the words “in lieu thereof the following:” and insert the following:

Sec. 2. (a) Notwithstanding sections 2401 and 2402 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052; 25 U.S.C. 70k), jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment on any claims of the Zuni Indian Tribe of New Mexico against the United States with respect to any lands or interests therein in the State of New Mexico or the State of Arizona held by abo­riginal title, otherwise, which were acquired from the tribe, or otherwise, to the extent of any failure of the tribe to exhaust any available administrative remedies. Any party to any action under this subsection shall have the right to have any final deci­sion of the Court of Claims reviewed by ap­peal to the Supreme Court of the United States.

(b) (1) Any award made to the Zuni Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Zuni Indian Tribe of New Mexico (hereinafter in this Act referred to as the “tribe”), and such lands shall be exempt from State and local taxation.

(c) Title to the lands to be acquired under subsection (a) shall be taken and held in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico (hereinafter in this Act referred to as the “tribe”), and such lands shall be exempt from State and local taxation.

Mr. RONCALIO (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. The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having been had under consideration the bill (H.R. 3787) to direct the Secretary of the
INTERIOR to purchase and hold certain
lands in trust for the Zuni Indian Tribe
of New Mexico to confer jurisdiction on
the Court of Claims with respect to land
claims of such tribe; and to authorize
such tribe to purchase and exchange
lands in the States of New Mexico and
Arizona, pursuant to House Resolution
1126, he reported the bill back to the
House with sundry amendments adopted
by the Committee of the Whole.

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

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

The amendments were agreed to.

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

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

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

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

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

The SPEAKER. Evidently a quorum
is not present.

The Sergeant at Arms will notify
such Members.

The vote was taken by electronic de­
device, and there were—yeas 347, nays 48,
not voting 39, as follows:

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<tr>
<th>Yeas</th>
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<td>347</td>
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</table>

[Roll No. 231]

The bill was ordered to be engrossed
and passed to the Senate.

The Clerk announced the following
pairs:

Mr. Howard with Mr. Aspin.
Mr. Rodino with Mr. Bloiun.
Mr. Burke of California with Mr.
Carr.

Mr. Gannage with Mr. Conyers.
Mr. Deluims with Mr. Eckhardt.
Mr. Ammerman with Mr. Thornton.
Mr. Krueger with Mr. Charles H. Wilson
of California.

Mr. Elberg with Mr. Ballback.
Mr. Runnels with Mr. Leggett.
Mr. Rose with Mr. Bonker.
Mr. Jones of North Carolina with Mr.
Howard.

Mr. Whitley with Mr. Evans of Colorado.
Mr. Waggonner with Mr. Rogers.
Mr. Kase with Mr. Don. H. Clausen.
Mr. Hefner with Mr. Walgren.
Mr. Ford of Michigan with Mr. Horton.
Mr. Hefner with Mr. Shuster.
Mr. Tucker with Mr. Cochran of
Mississippi.

Mr. DUNCAN of Oregon changed his
vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced
as above recorded.

The title was amended so as to read:
"A bill to direct the Secretary of the
Interior to purchase and hold certain
lands in trust for the Zuni Indian Tribe of
New Mexico, and to confer jurisdic­tion
on the Court of Claims with respect to
land claims of such tribe."

A motion to reconsider was laid on
the table.

The SPEAKER. Pursuant to the pro­
visions of House Resolution 1126, the
Committee on Interior and Insular Af­
fairs is discharged from the further con­
sideration of the Senate bill (S. 482) to
direct the Secretary of the Interior to
purchase and hold certain lands in trust
for the Zuni Indian Tribe of New Mex­
ico; to confer jurisdiction on the Court
of Claims with respect to land claims of
such tribe; and to authorize such tribe
to purchase and exchange lands in the
States of New Mexico and Arizona.

The Clerk read the title of the Senate
bill.

MOTION OFFERED BY MR. RONCALIO
Mr. RONCALIO. Mr. Speaker, I offer a
motion.

The Clerk read as follows:

Mr. RONCALIO moves to strike out all after
the enacting clause of the Senate bill, S. 482,
and to insert in lieu thereof the provi­sions
of H.R. 3767, as passed by the House, as
follows:

That (a) the Secretary of the Interior (here­
after in this Act referred to as the "Secre­
tary") shall acquire, through purchase or
exchange, the lands described in subsection
(b).

(b) The lands to be acquired under sub­
section (a) are lands in the State of New
Mexico upon which the Zuni Salt Lake is lo­
cated and which are more particularly de­
scribed as follows: Lots 3 and 4, east half
southwest quarter, west half southeast quar­
ter, section 30, township 3 north, range 18
west, south half southeast quarter, northeast
quarter, section 14, and east half northeast
quarter, section 36, township 3 north, range
18 west, south half southeast quarter, southeast
quarter, section 36, and east half northeast
quarter, section 36, township 3 north, range
19 west, all of the New Mexico principal merid­
ian, New Mexico, con­
taining approximately 618.41 acres, more or
less.
(c) Title to the lands to be acquired under
subsection (a) shall be taken and held in
trust in the name of the United States for
the benefit of the Zuni Indian Tribe of New
Mexico (hereinafter in this Act referred to
as the "tribe"), and such lands shall be
exempt from State and local taxation.
Sec. 2. (a) Notwithstanding sections 2401
and 2501 of title 28, United States Code,
and section 12 of the Act of August 3, 1946
(60 Stat. 1035; 28 U.S.C. 704), jurisdiction is
hereby transferred to the Court of Claims of
the United States with respect to any lands or
interests therein in the State of New Mexico
on the date of enactment of this Act by abso-
tute or otherwise which were acquired from
the tribe without payment of adequate
compensation by the United States. Pro-
vided, That jurisdiction is conferred only
with respect to claims accruing on or be-
fore August 3, 1946, and all such claims
may be brought within three years after ap-
proval of this Act. Such jurisdiction is con-
ferred notwithstanding any failure of the
tribe to exhaust any available administrat-
ive remedies.
(b) (1) Any award made to any Indian
tribe other than the Zuni Indian Tribe of New
Mexico before, on, or after the date of the
enactment of this Act, under any judg-
ment of the Indian Claims Commission, or
any other authority, with respect to any lands
that are the subject of a claim sub-
mitted by the tribe under subsection (a) (or
with respect to which a title or otherwise
was conferred to such claim, and shall not other-
wise affect the entitlement to, or amount of,
yield myself such time as I may consume.
Amend the title so as to read: "An Act
to direct the Secretary of the Interior to
purchase and hold certain lands in trust for
the Zuni Indian Tribe of New Mexico, and to
confer jurisdiction on the Court of Claims
with respect to land claims of such tribe."
The motion was agreed to.
The Senate bill was ordered to be read a third
time, was read the third
time, and passed.
The title was amended so as to read:
"A bill to direct the Secretary of the
Interior to purchase and hold certain lands in
trust for the Zuni Indian Tribe of New Mexico,
and to confer jurisdiction on the Court of
Claims with respect to land claims of such tribe."
A motion to reconsider was laid on the
table.
GENERAL LEAVE
Mr. RONCALIO. Mr. Speaker, I ask
unanimous consent that all Members
may have 5 legislative days in which to
revise and extend remarks on the
bill just passed.

The SPEAKER. Is there objection to
the request of the gentleman from Wyom-
ing?
There was no objection.

AUTHORIZING APPROPRIATIONS TO
THE NATIONAL SCIENCE FOUN-
DA
Mr. DODD. Mr. Speaker, by direction
of the Committee on Rules, I call up
House Resolution 1099 and ask for its
immediate consideration.

The Clerk read the resolution, as
follows:

H. Res. 1099
Resolved, That upon the adoption of this
resolution it shall be in order to move that
the House resolve itself into the Committe-
es of the Whole House on the State for
the consideration of the bill (H.R. 11400)
to authorize the appropriation of specified
dollar amounts for activities of the Na-
tional Science Foundation's major pro-
gram areas (and certain subprograms), and to
provide for transfers of the authorized
funds.
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 rank-
ing minority member of the Committee on
Science and Technology. The bill shall be
read for amendment under the five-
minute rule. At the conclusion of the con-
sideration of the bill for amendment, the
Committee shall rise and report the bill to
the House with such amendments as may
have been accepted, 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.
KILDER). The gentleman from Connecti-
cut (Mr. Dodd) is recognized for 1 hour.

Mr. DODD. Mr. Speaker, I yield 30
minutes to the gentleman from Cali-
ifornia (Mr. Clawson). Mr. Speaker, I
oppose the purpose of delay only, pending which I
yield myself such time as I may consume.

Mr. Speaker, House Resolution 1099
provides for the consideration of H.R.
11400, the bill authorizing appropri-
ations to the National Science Founda-
tion. This resolution provides for an
open rule with 1 hour of general debate to
be equally divided and controlled by
the chairman and ranking minority member
of the Committee on Science and Tech-
ology. The bill will then be open to amend-
ment under the 5-minute rule.
Mr. Speaker, H.R. 11400 authorizes
appropriations to the National Science
Foundation for fiscal year 1979. A total of
$934.4 million is authorized for the NSF's
major program areas. The Foundation
maintains many laboratories and educa-
tional facilities in the United States as
well as in other countries. The Foundation
explore many diverse subject areas from
the bottom of the sea to the stars in the
heavens, some of which may be of ques-
tions of value to individual preferences and points of view.
Mr. Speaker, to my knowledge there
is no objection to the rule.

Mr. DODD. Mr. Speaker, I yield 2 min-
utes to the gentleman from Oklahoma
(Mr. Jones).

Mr. JONES of Oklahoma. Mr. Speaker,
research and development activities are

the full $934.4 authorization in the bill be
appropriated. Indeed, the Nation's
scientific community could well use more
money than this bill appropriates, but as
the ranking minority member of the Com-
mittee on Science and Technology, I be-
at the Nation, at this time, cannot afford
a larger investment.
Mr. Speaker, two specific appropri-
tions authorized by H.R. 11400 deserve
particular notice. First, of the funds au-
thorized for applied science and research
applications, $2 million would be au-
thorized to establish a science and tech-
nology program focused on the problems
of the disabled. In my work in the Con-
gress I have been particularly concerned
about the problems of the handicapped,
and I am pleased to see this appropri-
ration which will further our commitmen-
to the handicapped.
Second, the funding level for the U.S.
Antarctic program has been raised by the
committee by $3.4 million above the
NSP request of $50.7 million. Through
the Antarctic program, the United
States can maintain an active and in-
frequent presence in the Antarctic.
United States involvement helps insure
observance of the international treaty
which suspends territorial claims and
keeps the Antarctic open for scientific
research. Increased funding for the Ant-
arcic program will support study of
Antarctic fisheries.
Mr. Speaker, H.R. 11400 authorizes
appropriations for the National Science
Foundation and will allow this valuable
organization to carry out educational and
research activities of vital importance
to the United States. I request that we
adopt House Resolution 1099 so that we
may proceed to the consideration of this
bill.

Mr. DEL CLAWSON. Mr. Speaker, I
yield myself such time as I may con-
sume.

Mr. Speaker, House Resolution 1099
provides for the consideration of H.R.
11400, the National Science Founda-
tion Authorization Act. This is an
open rule, allowing for 1 hour of gen-
eral debate to be equally divided
and controlled by the chairman and
ranking minority member of the Com-
mittee on Science and Technology. The
bill will then be open to amendment un-
der the 5-minute rule.

Mr. Speaker, H.R. 11400 authorizes
appropriations to the National Science
Foundation for fiscal year 1979. A total of
$934.4 million is authorized for the NSF's
major program areas. The Foundation
maintains many laboratories and educa-
tional facilities in the United States as
well as in other countries. The Foundation
explore many diverse subject areas from
the bottom of the sea to the stars in the
heavens, some of which may be of ques-
tions of value to individual preferences and points of view.
Mr. Speaker, to my knowledge there
is no objection to the rule.

Mr. DODD. Mr. Speaker, I yield 2 min-
utes to the gentleman from Oklahoma
(Mr. Jones).

Mr. JONES of Oklahoma. Mr. Speaker,
vital to the survival and prosperity of the United States. Without a strong, ongoing program of scientific research and development, the high standard of living enjoyed by the citizens of our country would be impossible. Indeed, our national security is dependent on the continued probing of the frontiers of science.

The National Science Foundation has been a most effective voice for these activities. Accordingly, I support the general thrust of the bill before the House today in order to insure a strong and viable program of research and development. I do, however, have some reservations about the conduct of the advisory commissions attached to the National Science Foundation.

As you know, Mr. Speaker, the President has set a goal of reducing these advisory commissions. I recently conducted a study to ascertain how effective the President has been at reaching this goal. This study generally showed that the President has made some progress in cutting back on the numbers of such commissions. Nevertheless, it did point up several disturbing trends in this area. I have enclosed a report compiled from this study to illustrate some of the problems in this area:

**Advisory Committee Activity in the National Science Foundation**

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<tbody>
<tr>
<td>Number of committees</td>
<td>41</td>
<td>42</td>
<td>45</td>
<td>48</td>
<td>51</td>
</tr>
<tr>
<td>Number of members</td>
<td>846</td>
<td>848</td>
<td>849</td>
<td>851</td>
<td>856</td>
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<tr>
<td>Actual staff support years</td>
<td>9.11</td>
<td>9.11</td>
<td>9.11</td>
<td>9.11</td>
<td>9.11</td>
</tr>
<tr>
<td>Projected staff support years</td>
<td>12.19</td>
<td>17.17</td>
<td>18.18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projected cost (dollars)</td>
<td>231,257,663,450,368,522,500</td>
<td>1,248,370,1,475,655</td>
<td></td>
<td></td>
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As you can see, Mr. Speaker, while the number of committees decreased by one-half between 1972 and 1977, the membership on these committees increased by 400 percent. Moreover, the costs associated with the functions of these committees increased by 1,400 percent from 1972 through 1977.

In effect, more people are serving on fewer commissions, and it is costing the Government much more to maintain these commissions. This trend is disturbing enough, but I also fear that certain imbedded regional bias may have crept into these commissions. My study revealed a trend in other Cabinet-level departments to weight commissions toward one section of the country, or toward one special interest group. I am fearful that the commissions serving the National Science Foundation may have fallen victim to a similar problem. These commissions and committees pass on thousands of applications for research and grants. I am sure all Members of Congress would want to insure that every applicant gets a fair hearing before these commissions. It is my hope that the Congress and the executive branch continue to maintain the activity of the Commissions to insure that they perform their tasks competently and fairly. The Federal Government should not be subsidizing an over-bloated or unfair system that so vitally concerns our national well-being.

Mr. DODD. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

Mr. TEAGUE. 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. 11400, with Mr. DAYAN designated as Chairman, and Mr. HARKIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill. By unanimous consent, the first reading of the bill was dispensed with.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. HOLLENBECK) will be recognized for 30 minutes.

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

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

Mr. Chairman, the chairman of this subcommittee from Arkansas (Mr. THORNTON), who has done a wonderful job of holding hearings.

Mr. Chairman, getting this bill to the House floor has taken a lot of time for committee members, but it took months of hard work by the staff. I want to thank the staff for their dedication to the committee and the Congress, and to the chairman of the Committee on Science and Technology. I have always insisted on hiring and promotion on the basis of merit alone. And I want to tell you that is a good policy because it has produced one of the best committee staffs in Congress.

We are lucky on our committee to have good cooperation between the minority and majority. The best proof of this is my friend, the Honorable Charlie Moshier.

After retiring as ranking minority member of the committee, Charlie was extremely kind enough to accept my offer to be staff director. Charlie had done a magnificent job of running the committee this year, and I thank him for it.

I also want to thank Phil Yeager, counsel to the committee and staff director of the Subcommittee on Science, Research, and Technology, Phil and his people do the legwork that gets the NSF bill through, and they do it well. It has been a real pleasure for me to work with those people, and I just wanted to get a few words of appreciation on the record.

Mr. Chairman, I yield such time as he may desire to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I support the bill, H.R. 11400. Before I describe the principal features of the bill, I would like to express my appreciation to members of the Committee on Science and Technology.

Foremost among those who have made it possible to bring this bill to the floor is Chairman Tague. Congress and the Nation will lose the service of a fine man and a staunch supporter of scientific research with the retirement of Chairman Tague at the end of this Congress. If I were more eloquent I might find fitting words of praise for the gentleman from Texas to convey my regard for him. But words, however eloquent, would only be words. Tague is a man of action. The only sufficient tribute to Mr. Tague is to be the kind of legislator and leader he has been and let action carry the message.

That would be the best praise, and I encourage you all to carry the message.

Another Member who will not be in the House next session is Ray Thornton, chairman of the Subcommittee on Science, Research, and Technology. I would like to thank Chairman Thornton for delegating his authority over this NSF authorization bill to me.

Finally, the gentleman from New York (Mr. WOLF), ranking minority member of the Committee on Science and Technology, and the gentleman from New Jersey (Mr. HOLLENBECK), ranking minority member of our subcommittee, have both been extremely helpful. I thank them for their cooperation in bringing to the floor a truly nonpartisan bill, a bill which passed the Committee on Science and Technology with not a single dissenting vote.

In consideration of this bill, H.R. 11400, the Committee on Science and Technology held hearings beginning on January 3 and ending on January 31 to review NSF performance over the past year, and the Foundation's request for fiscal year 1979. Testimony was taken from 34 organizations, 1147
aspects of the Foundation's budget request. On many other occasions over the past year representatives of NSF have testified at committee hearings. In addition to hearings, extensive investigations and site visits have been carried out by committee members and staff, several General Accounting Office and Congressional Research Service studies of NSF operations have been used by the committee, and other forms of oversight have been performed. The bill itself, H.R. 11400, authorizes the appropriation of $941.3 million for National Science Foundation programs in fiscal year 1979, almost the exact amount requested by the President. The net difference between the request by the President and the total in this bill is a $400,000 decrease. In addition to the amount authorized by the bill, NSF plans to defer the obligation of $6.9 million from fiscal year 1978 to fiscal year 1979. Thus, total NSF obligations would be $941.3 million in fiscal year 1979. The $344.4 million that the President initially held the total near the President's request was somewhat less than the Federal agency average. This means that several of the mission agencies exhibit slightly larger increases than the Federal average. The committee applauds the basic research policy of the President which seeks to maintain a balance of support for basic research across the Federal Government.

The Committee on Science and Technology believes that the scientific community could effectively use larger amounts of NSF money than authorized by this bill, but the committee intention was to hold the total near the President's request. The committee concurs with the President's judgment that the Nation cannot afford a larger investment at this time. Because of the importance of scientific work to the Nation, however, the committee urges that the full amount authorized be appropriated.

Roughly three-fourths of the NSF budget is devoted to basic research. For fiscal year 1979 the President's policy for basic research is to increase Federal support by an amount sufficient to provide 5 percent real growth over 1978 with inflation taken into account at 6 percent. The total amount budgeted by the President for basic research support from the Federal Government in fiscal year 1979 is $3.6 billion, an 11-percent increase over 1978. The NSF percentage increase was somewhat less than the Federal agency average. This means that several of the mission agencies exhibit slightly larger increases than the Federal average. The committee applauds the basic research policy of the President which seeks to maintain a balance of support for basic research across the Federal Government.

As I stated earlier, the committee felt that the total amount requested by the President for NSF was reasonable, so we did not change the total very much. The science education increase of $4.4 million program was the one area where the committee reported $941.3 million, a tiny increase. We have shifted the emphasis on a few NSF programs from the request. Science education and the Antarctic program were increased while two of the basic research directorates were decreased in order to hold the total down.

Mr. Chairman, I want to commend the ranking minority member, the gentleman from New Jersey (Mr. HOLLENBECK), for his cooperation in getting this bill to the floor.

Mr. Chairman, I am pleased to support the fiscal year 1979 authorization for the National Science Foundation's Science Education Directorate. The Science and Technology Committee has increased the authorization for science education by $4.4 million, to a total of $82 million. We were disappointed in the small budget request for science education, an increase well below the inflation rate and below the authorization figure for last year. Since 1976, the science education funding has been declining both absolutely and in terms of its percentage of the entire NSF budget. With the committee increase, science education will represent approximately 8.7 percent of the total NSF budget.

The Foundation's Science Education Directorate has the important mission of initiating and supporting programs to strengthen science education programs.
college undergraduate, graduate, and post-doctoral levels. The future of our Nation depends on our ability to capitalize on the talents of this Nation’s youth in and out of schools.

Through the Foundation’s CAUSE (comprehensive assistance to undergraduate science education) program, NSF has supported the undergraduate science education at both the 2- and 4-year colleges and universities. To date, 128 awards have been made through CAUSE to institutions in 41 States, the District of Columbia, and Puerto Rico. The Foundation projects 85 CAUSE awards in fiscal year 1978, and our authorization bill supports a program for 90 awards totaling $14.9 million in fiscal year 1979.

The CAUSE program was established by the Science Committee 3 years ago. More than half of the awards have gone to smaller colleges and universities with less than 5,000 students and 28 percent of the awards have gone to 2-year junior colleges. It is the smaller colleges and universities that often have the most individuals who are feeling the worst of the college financial crisis. The CAUSE program is an important element in helping maintain the strength of our Nation’s colleges.

Mr. Chairman, I strongly endorse the Foundation’s science education authorization contained in H.R. 11400. We have increased the authorization to $82 million for fiscal year 1979, and on my motion the committee report directs NSF to support the undergraduate research participation program at a $2 million funding level. With this science education authorization, the Foundation can carry out one of its most central and traditional responsibilities, that of maintaining an effective scientific and engineering community for America.

In closing, I wish to point out that NSF’s science education programs are also programs that reach directly to students of high ability and potential throughout the country. I urge approval of the bill authorizing these programs.

Mr. Chairman, I thank the gentleman from Florida (Mr. Proctor) for his remarks, and I yield back the balance of my time.

Mr. HOLLENBECK. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I would like to take this opportunity to point out the leadership Mr. Harkins has demonstrated in preparing H.R. 11400 for consideration. Through our hearings and later markup, he set the tone by emphasizing the important role played by basic research in furthering the scientific and technological health of the Nation. I also wish to express my appreciation to my colleague from New York (Mr. Wydler) for his support and assistance. On numerous occasions, he has expressed the conviction, which I share, that support for basic research is vital if we are to solve the pressing problems such as energy and materials. These problems and the Federal role to deal with these problems will surely involve further major changes in outlook over the next generation and it is the understanding provided by basic research which will be a major factor in determining that outlook.

Mr. HOLLENBECK. Mr. Chairman, I rise in support of H.R. 11400, to authorize appropriations for the National Science Foundation for fiscal year 1979. In so doing, I wish to recommend the Foundation’s programs to support the future scientific leaders. NSF, as well as other members of the Foundation, for the strong programs they have put forward. Over the years, the Foundation has been a major source of support for innovative basic research. Years later, much of this research bears fruit.

H.R. 11400 authorizes appropriations of $834,500,000 for the Foundation for fiscal year 1979. While I know, from the testimony we heard, that there are many exciting and extraordinary scientific projects which should be undertaken and which could easily use substantially greater funding, there are limits to financial resources. Therefore, it is doubly important that the Foundation be authorized to allocate its resources over the long term for the most effective pursuit of scientific research.

If there is one area in which I would slightly fault the Foundation—and this does not mean to belittle its generally excellent programs—it is that it appears that Program in which I would not appear to be sufficient effort devoted toward truly long-range planning of investment in research facilities as well as in the training of young scientists. The committee report expresses this in one way by pointing out the controversy over the relative allocation of resources between “big science” and “little science.” As part of that debate, the committee recommends, and I concur heartily that the funding for the conversion of the Glomar Explorer for ocean margin drilling be reduced from the $4.2 million requested to $1 million. I concur not because the research that may be performed would not be worthwhile, but I want to make sure that the Foundation has sufficient funds to examine the alternatives. This project would require a $540 million commitment, in capital construction and operating costs, over a 10-year period. Yet, it is not apparent to me that this is the best program for the expansion of knowledge of the ocean floor which could be undertaken. This research is vital as we seek to expand our understanding of basic geological processes; it has direct commercial application; and it may lead to greater understanding about the process by which mineral and energy deposits are laid down. But the decision to proceed with detailed design does not seem warranted. Without a more comprehensive examination of the understanding of the future of ocean drilling and Earth sciences is formulated.

This problem faces not only the Earth sciences, it faces other areas such as physics and astronomy, and, to a lesser extent, atmospheric sciences. It is essential that the Foundation prepare longer range plans, on the basis of a comprehensive examination of the lifetime of facilities to determine whether construction is in the
best interest of the sciences concerned, and to determine how scientific discovery will proceed most rapidly between different scientific fields accordingly as major problems develop.

The need for long range planning is also apparent in the training of young scientists. In the late 1950's and throughout the 1960's, we trained large numbers of Ph.D.'s. Now, as the support for basic research levels off in proportion to the number of trained researchers, young scientists who are entering the job market are finding it difficult to obtain steady employment in their chosen field. This problem is particularly acute in astronomy.

Training young people for science, without thought to their future support is itself but a further example of the need for long range planning. It is a waste of talent and of resources to train people for careers which they cannot pursue. In sum, planning of scientific facilities and the training of scientists must be undertaken over a long term commensurate with the lifetime of the facilities and the lifetime of the scientists. We strongly urge the foundation to make greater efforts in this direction and I hope that the next year the foundation would be able to shed some further light on these problems.

Mr. Chairman, I would also draw my colleagues' attention to the increase of $4.4 million for science education. In part, this is warranted by the innovative programs which the director of the Science Education Directorate, Dr. Rutherford, has undertaken. The committee's increase, in part, reflects the desire to fund some of the programs such as the science equivalent of Sesame Street for elementary school children which Dr. Rutherford wishes to pursue. More generally, I think his emphasis on broading the basis of scientific understanding in the general population is terribly important. In an era when science and technology pervade all aspects of our daily life, it is important for everyone to have some knowledge about the major concepts of science and the principles of scientific inquiry.

This knowledge will provide the basis for general understanding of the changes in outlook which will occur as the Nation moves to solve its pressing problems. For instance, complex interactions between the use of energy, agricultural practices, and climate change may determine our ability to use fossil fuels in the future, or to continue the expansion of agricultural lands, particularly in the developing countries. These interactions are comprehensible only to someone who is aware of the complex web of relationships which extend throughout the natural environment. But this understanding can only come with some familiarity—familiarity acquired at an early age—with the general principles and basic research. For this reason, I support the committee's recommended increase in funds for science education.

In closing, I urge my colleagues to join me in supporting H.R. 11400. Let me say that while I have pointed out a need for greater diligence in the foundation's planning, its overall effort appears to be successful. The witnesses at our subcommittee hearing, as never before, that we are undertaking an amazing scientific revolution—a revolution which is fully equivalent to the total change that occurred during the 16th and 17th centuries. This revolution extends through all sciences from particle physics to cosmology to atmospheric sciences, oceanography and to the social science.

Mr. Chairman, I yield 5 minutes to the ranking minority member, the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I rise in support of H.R. 11400, to authorize appropriations in the amount of $934,400,000 for the National Science Foundation for fiscal year 1979. First, let me thank the gentleman from New Jersey, my colleague Mr. Hol-LENBECK, for his generous remarks and let me congratulate him for the outstanding work he has done as ranking minority member on the Subcommittee on Science, Research and Technology in helping to bring this bill to the floor. I think he has demonstrated some of the basic challenges in complex areas of scientific research. This is a difficult task, and his efforts have been of great assistance to the committee.

Mr. Chairman, the National Science Foundation has more than proved itself as a leader in the support of innovative basic research. But there are limits to available resources. For this reason, as last year in my remarks, I would continue to stress the important of long range planning for research programs—programs which through their understanding of the physical world, the environment, and of the impact of human activities upon the environment will aid us in constructing a vision of the future which will enable us to see beyond the difficult problems facing this Nation in the coming years.

Mr. Chairman, programs supported by the National Science Foundation are extremely varied. Some, such as the understanding of reactions in the interior of the Sun, carried out in the solar physics program, make it possible to understand better the behavior of materials under extreme conditions and thus may enable us to obtain fusion reactions here on Earth. The same program may lead us to a greater understanding of the effects of the solar winds and the solar magnetic fields upon the Earth's climate.

That could be of great importance to our understanding of climate change with which the combustion of fossil fuels and agricultural practices are intimately connected. In the areas of mathematics and computer science, we are beginning to approach a time when we can ask with reasonable precision what are the limits of problems which can be solved by computers. As the area of materials research, techniques are being developed which will be of enormous value in electronics. Advances in ocean science may teach us the process by which mineral deposits and petroleum, natural gas, and coal fields are laid down. This knowledge could tell us, on the one hand, where to uncover new resources but it may also tell us of possible limits on the availability of resources regardless of the expenditure of energy.

Mr. Chairman, these are just a few examples of the important research being supported by the National Science Foundation. As my colleague, Mr. Hol-LENBECK, mentioned earlier—it is important for the foundation to undertake much greater efforts in long-range planning for the training of young scientists and for the construction of major research facilities. I hope that the foundation, over the coming year, will make a greater attempt in this direction. I urge my colleagues to Join me in supporting H.R. 11400.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. McCORMACK).

Mr. McCORMACK. Mr. Chairman, I rise in support of this bill, and I commend all those who have worked to prepare it.

Mr. Chairman, as the Members know, I have been studying the possibility of harnessing solar energy. The Sun, upon which all life on this planet depends, holds almost unlimited potential as a future energy source. Scientists and engineers are just beginning to learn how to use solar energy to heat and cool our homes efficiently, and someday, clean, unending, inexpensive solar energy will surpass fossil fuels as an energy source.

Today, however, I would not like to speak only of those scientists and engineers working to convert solar energy from a dream to a reality. While considering the fiscal year 1979 National Science Foundation authorization, I would like to point out that some of the money the House will authorize today will provide support for fundamental research in solar physics and astrophysics, two scientific disciplines that are essential to a better understanding of the Sun and, consequently, to our future progress in using solar energy. To harness the Sun effectively, we must first understand how it works, and this is precisely what NSF-supported scientists are trying to accomplish.

In laboratories and observatories from Arizona to South Dakota, from Colorado to Massachusetts, the National Science Foundation has been responsible for work that is changing our whole outlook on how to study the Sun. There have been many new discoveries and astrophysics in recent years, and these scientific breakthroughs will have a profound impact on our knowledge, not only as it relates to the Sun, but as it contributes to our knowledge of the planets and communications.

For almost 100 years, scientists have studied the Sun by dissecting its parts. However, no single piece of information has led to a credible, although not very comprehensible, solar model. Recently, however, some scientists have decided it was time
to approach the study of the Sun from a different perspective: Study it not as a composition of independent parts, but rather as a single entity, as a star. Instead of considering the Sun to be the sum of its parts, scientists are now saying that perhaps we should study the Sun as a whole. The results have been dramatic, and in some ways, unexpected.

For example, scientists from the University of Arizona, the National Center for Atmospheric Research in Boulder, and the University of Colorado, in seeking to measure precisely the diameter of the Sun, were frustrated by small perturbations in the Sun's edge. These perturbations, or changes, in the Sun's diameter seemed to indicate that the Sun was oscillating. Is the Sun really ringing like a gong, constantly changing shape? If so, it is like the Earth pulsating during a violent earthquake. While this theory of solar oscillation still remains questionable, if confirmed, it will be a new and fundamental discovery in solar science.

Another exciting new area of solar science is the case of the missing neutrinos, or the "neutrino deficiency," as it is sometimes termed. Neutrinos are very tiny, uncharged, and, for practical purposes, massless particles of matter which rarely react to anything. Scientists have determined that studying neutrinos emitted by the Sun, if they can provide them with the opportunity to measure events taking place inside the Sun itself. A single neutrino can pass through the Sun varies with the temperature of the thermonuclear reaction, scientists should be able to draw significant conclusions about the reactions occurring in the Sun's core by counting the number of neutrinos emitted toward the Earth. Even with so sophisticated, Earth-based neutrino counters, such as the one located in South Dakota and operated by Brookhaven National Laboratories, counting these elusive particles is not easy. Counts have shown significant quantities of neutrinos to be "missing." Perhaps, as some postulate, the Sun is altering these neutrinos before they reach the Earth; or perhaps, the Sun is altering the thermonuclear furnace, and therefore, reducing the production of neutrinos. Whatever one of these, or any other as yet unconceived theory proves correct, the foundation of astrophysics could change because of the "neutrino deficit."

As Beverly Lynds, assistant director of Kitt Peak Observatory in Tucson, Ariz., said, The lack of neutrinos is an indication that something (in our understanding of the sun) is wrong. Is it with our theory of the sun's structure or with the model of the sun, then the whole theory of stellar evolution could be wrong.

A third puzzle that NSF supported solar scientists are attempting to unravel is the inconsistent nature of the Sun. Mathematical and computer modeling have become favorite tools of scientists who must deal with situations that cannot be reconstructed in the laboratory. Clearly, scientists cannot build a miniature Sun or Earth, and because of its inconsistency, the Sun may yet be represented by an accurate computer model. One way astronomers are seeking to solve this problem is to search the universe for a solar twin in a different phase of its life in order to learn more about solar cycles. Another possible solution is, of course, to study and learn as much about the solar cycles and the Sun's differential rotation, sunspot activities, and magnetic cycles. Changes in the Sun can have profound effects on life here on Earth, ranging from variations in the world's climate with its subsequent impact on food production and energy consumption, to disruptions in worldwide communications, and electrical power blackouts.

Mr. Chairman, the mysteries of science can only be unraveled by the hard work of dedicated scientists. By focusing on a single research area—astrophysics—I have attempted to show my colleagues in the House how the basic scientific research as supported by the NSF can provide both short-term and long-range solutions to a variety of problems. Solar research, especially as it relates to solar energy development, is a popular subject today. What we should keep in mind is that research into the functioning of the Sun, as expressed by solar astronomers, and astrophysicists, can have an equal, if not greater, long-term impact on the world. However, this impact may not be felt for decades or even centuries. NSF's programs in these areas have been on the frontier of an exciting discipline, one with huge potential payoffs, and one that often goes unnoticed by those of us whose primary concerns are the immediacy of the current situation. NSF and the scientific community should be committed to their patience and dedication.

Mr. HOLLENBECK. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. Roybal).

Mr. RYAN. Mr. Chairman, I have been troubled by the sizable yearly increases in the National Science Foundation's budget, and this year is no exception. The overall increase in this year's authorization is 8 percent above the Foundation's current budget plan. NSF basic research support, which has increased an average of 18.4 percent per year since 1969, is increased again by 10 percent in this bill's authorized levels. I would like to include for the Record a table that shows these increases for each budget activity:
Mr. Chairman, there are other troubling areas with the National Science Foundation. There is the continuing demonstrated discrimination against certain areas of the country in the geographic distribution of NSF funds. Only five States last year received more than 42 percent of all NSF research awards, while nine other States in the South received a combined total of only 6.4 percent of all NSF support.

The Foundation has done nothing to correct this discrimination in the way that research support is allocated.

In fact, I have recently been provided an Internal Foundation memorandum which states that the Foundation should not acknowledge or give credibility to complaints or charges that such geographic discrimination is being practiced, when the facts are plain that it is, which indicates to NSF to do anything real to correct the problem.

Another problem I have with the Foundation's program is its failure to audit and monitor projects it supports with millions of taxpayers dollars.

The President's Budget, Health, Education, and Welfare recently audited a number of large universities receiving Federal R. & D. support, and found blatant misuse and waste of Federal funds.

Mr. Chairman, I have discussed these and other problems in my dissenting views on this bill, which is included in the committee's report on H.R. 11400.

I hope that we will be able to solve these problems soon.

I would like to include my views from the committee report at this point in the RECORD.

DISSENTING VIEWS OF REPRESENTATIVE ELDON RUDY

There are several disturbing trends and questionable assumptions that have marked the history of National Science Foundation budget increases over the years.

I strongly hope that closer consideration will be given to these matters in future congressional action on the NSF budget and programs, as part of our important legislative oversight responsibilities.

1. The steady upward trend of NSF budget increases since 1969 cannot be justified by the impact of inflation on academic science research efforts, or the Foundation's record of support to strengthen and uplift the National scientific community.

This bill authorizing $941.3 million (including a $65 million deferral from fiscal year 1978) is $876.4 million more than the Foundation's current fiscal year 1978 plan, an increase of 63 percent. This on top of the 92 percent increase over the fiscal year 1977 program.

The bill includes $751 million for basic research, a 10 percent increase over the current fiscal 1978 plan, which in itself is an 11.5 percent increase over the fiscal year 1977 amount. NSF is the leading Federal supporter of basic research at colleges and universities, and funds for this purpose comprise about 60 percent of the Foundation's total budget.

The Foundation's basic research project support has increased an average of 18.4 percent per year since fiscal year 1969, and will have increased a total of 203 percent in just 10 years if this bill is approved at its current proposed level.

In constant (1969) dollars, using a Consumer Price Index deflator to adjust for inflation, NSF's basic research project support has had a real increase faster than the average annual rate of inflation and fiscal year 1977 of more than 8.4 percent above what is necessary to account for inflation.

The following table accurately summarizes NSF basic research budget trends since fiscal year 1969:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Total increase since fiscal year 1969</th>
<th>Dollar Per cent Increase</th>
<th>Amount Increase</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1969</td>
<td>$1,347.6</td>
<td>37.3</td>
<td>$761.6</td>
<td>68.4</td>
</tr>
<tr>
<td>1978 (current plan)</td>
<td>$1,415.6</td>
<td>42.7</td>
<td>$788.0</td>
<td>88.4</td>
</tr>
<tr>
<td>1979 (committees mark)</td>
<td>$1,473.0</td>
<td>48.3</td>
<td>$808.0</td>
<td>90.8</td>
</tr>
</tbody>
</table>

This error in adjusting NSF's annual basic research budget to compensate for inflation has resulted in the authorization of $12-$15 million more each year than was intended, in contrast to the Foundation's requests, which were converted into Congress ("Bud&et Brief," pp. 12).

The tremendous increase in NSF basic research support since 1969 is underscored by the fact that creation of the Energy Research and Development Administration in 1975 resulted in the transfer of about $432 million of NSF-funded energy research to that agency.

The REAL IMPACT OF INFLATION ON R. & D.

In years past, Congress has been told that these increases in NSF basic research support to colleges and universities were justified by the impact of inflation on academic institutions. Last year, based on Joint Economic Committee projections, the staff of this committee told the Appropriations subcommittee that had marked up the fiscal year 1978 NSF authorization that a $15.1 million increase in basic research support was needed to account for a 7 percent inflation rate in this area. A chief reason given for this increase was that faculty salaries were reported to be moving up faster than the general rate of inflation.

The committee approved the increase, despite questions by several members about this assumption of a 7 percent inflation impact. A study of inflation at academic institutions by D. Kent Halstead of the National Institute of Education now shows that this inflation projection was erroneous.

The Halstead study of inflation at colleges and universities since 1971 shows that the average rate of inflation for all areas associated with basic research is 5.3 percent. The actual inflation rate for NSF-supported research would be lower than 5.3 percent, since manpower costs—faculty salaries and support for graduate and research assistants— which comprise more than 60 percent of NSF awards have increased at an average rate of only 4.8 percent per year since 1971, not at a rate higher than inflation generally as the committee was led to believe.

A breakdown of rising prices paid by colleges and universities for goods and services associated with basic research, as shown by Halstead's NSF study, is as follows:

<table>
<thead>
<tr>
<th>Basic research item</th>
<th>Manpower costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Faculty salaries</td>
<td>$47,000</td>
</tr>
<tr>
<td>Graduate and research assistants</td>
<td>$49,000</td>
</tr>
</tbody>
</table>

This error in adjusting NSF's annual basic research budget to compensate for inflation has resulted in the authorization of $12-$15 million more each year than was intended, in contrast to the Foundation's requests, which were converted into Congress ("Bud&et Brief," pp. 12).

Another justification offered for the substantial increases in NSF's basic research budget over the years has been the comparison of the investment of other nations whose scientific and technological capabilities could pose an economic or strategic threat to the United States.

It has been suggested that since the Soviet Union devotes a larger portion of its Gross National Product to R. & D. than the United States, and because such nations as France, West Germany, Japan, and the United Kingdom also devote a large proportion of their GNP to R. & D., that the U.S. Government should increase its spending in this area.

These arguments, while persuasive, are designed to deceive. If these nations are outstripping the United States in research and development, it is not because of a greater investment than the United States, but because of the application of criteria for supporting research that is of national importance, wiser allocation of funds and resources, better fiscal management, and supporting a wider range of superior talent.

The United States is allocating 4.5 percent more funds to R. & D. efforts each year than the Soviet Union, even though our investment is a smaller proportion of GNP. U.S. R. & D. expenditures in 1975 were $35.2 billion, compared to $21.4 billion for the Soviet Union.

The United States is spending $5.3 billion more each year on R. & D. than the combined total of all funds being spent by Canada, France, West Germany, Japan, and the United Kingdom. U.S. expenditures were $295 billion more each year in R. & D. than the total investment of these five nations in this area.

The following statistical tables compare the leading Nations Product and annual R. & D. expenditures of the United States and these other competitive nations. (The statistics are from the National Science Board's Statistical Report— 1971— where $250 million was converted into U.S. dollar equivalents at the average annual exchange rate by the Congressional Research Service of the Library of Congress.)
GEOGRAPHIC DISTRIBUTION OF NSF AWARDS

Another disturbing aspect of NSF support for basic research at colleges and universities throughout the Nation is the apparent consistent favoritism for institutions in several large States, and discrimination in the award of funds to Institutions in other parts of the country.

The statistics on the geographic distribution of NSF basic research funds speak for themselves. Institutions in only four States received more than 45 percent of all funds awarded by NSF in fiscal year 1977. Those States—California, Colorado, Massachusetts, and New York—accounted for $290.9 million of the $685.1 million awarded by the Foundation that year.

Yet nine other States—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee—received a combined total of only $44.3 million, which is only 6.4 percent of all fiscal year 1977 NSF expenditures. These States received only 15.3 percent of the amount awarded to the four preferred States above, and only slightly more than twice the amount awarded to only one Institution—Massachusetts Institute of Technology, which alone received $209.9 million.

Unlike the Department of Defense and other Federal mission agencies that support basic research on a solicited basis with national priorities and objectives in mind, the National Science Foundation awards unsolicited research proposals under the legislative mandate to support and uplift science throughout the United States.

Apparently, NSF is violating that mandate by failing to distribute grant awards equitably.

Statistics on NSF's geographic distribution of awards and on the geographic success ratio for proposals submitted to the Foundation both suggest a conscious policy of discrimination in the way that NSF decisionmakers award funds to academic institutions around the country.

Other factors, including the makeup of NSF's top management, which is heavily dominated by former administrators and researchers from institutions favored by NSF funding patterns, or who have returned to those institutions after serving in management positions at the Foundation, pose serious questions about NSF's geographic distribution of awards and its failure to comply with congressional mandates against undue concentration of awards in only a few institutions or States.

Unfortunately, the actions proposed by NSF to achieve a greater geographic distribution offer no relief in a reasonable period of time. It is extremely doubtful, in view of the positions taken by the National Science Board and the Foundation's management that Congress will see any progress made on a more equitable distribution of NSF support in fiscal year 1978. There is also only a remote possibility that there will be any improvement in fiscal year 1979.

It appears clear that Congress must take some positive legislative action to correct this problem of discrimination in the geographic distribution of NSF research awards, in order to reaffirm the original purpose for which the Foundation was created.

That purpose was to be a source of Federal funds to benefit research and development efforts among a large array of researchers throughout the U.S. scientific community, and to uplift science rather than support just elite science, for the benefit of the entire country.

The history of NSF's budget increases over the years, and the inequitable geographic distribution of R. & D. funds by the Foundation, suggest that NSF has abandoned the mandate of its organic act and subsequent actions of Congress in order to become a source of a large and continuing subsidies for the administrative costs primarily of some of the Nation's larger, prestige institutions.

A widespread pattern of careless bookkeeping, alleged misuse of funds by research grant recipients, and other abuses involving hundreds of millions of dollars awarded by NSF and other Federal agencies has been discovered in audits of colleges and universities by the Department of Health, Education, and Welfare.

Some of the discovered irregularities include: (1) Failure to document work performed on Federal contracts; (2) Permitting researchers to spend less time on projects than specified in grant proposals and contracts; (3) Allowing unauthorized transfer of funds between projects; (4) Paying more than once for the same work; (5) Using Federal funds to pay for work not related to the awarded proposal; (6) Not accounting for equipment and supplies; (7) Receiving Federal funds to perform research work that has already been done by the applicant with funds from another source; (8) Abandoning a project once Federal funds have been

NATIONAL EXPENDITURES FOR PERFORMANCES OF R. & D. AS A PERCENT OF GROSS NATIONAL PRODUCT (GNP) BY COUNTRY, 1961-76

Year | Canada | France | Germany | Japan | United States | U.S.S.R.
--- | --- | --- | --- | --- | --- | ---
1961 | 1.00 | 1.33 | 1.50 | 2.09 | 2.75 | 3.09
1962 | 0.99 | 1.43 | 1.51 | 2.00 | 2.63 | 2.86
1963 | 0.99 | 1.43 | 1.51 | 2.00 | 2.63 | 2.86
1964 | 0.98 | 1.39 | 1.49 | 1.96 | 2.42 | 2.66
1965 | 0.98 | 1.39 | 1.49 | 1.96 | 2.42 | 2.66
1966 | 0.98 | 1.39 | 1.49 | 1.96 | 2.42 | 2.66
1967 | 0.98 | 1.39 | 1.49 | 1.96 | 2.42 | 2.66
1968 | 0.98 | 1.39 | 1.49 | 1.96 | 2.42 | 2.66

Note: The table is not focused on foreign exchange markets. Therefore, the official rate has been used. This may not reflect the actual value exchange of the ruble.

R. & D. EXPENDITURES

[In billions of dollars at average annual exchange rate]

| Year | Canada | France | Germany | Japan | United States | U.S.S.R.
--- | --- | --- | --- | --- | --- | ---
1961 | 0.41 | 0.60 | NA | NA | 1.9 | 14.3 | 4.7
1962 | 0.43 | 0.61 | NA | NA | 1.9 | 15.4 | 4.8
1963 | 0.47 | 0.63 | NA | NA | 1.9 | 17.1 | 5.4
1964 | 0.50 | 0.65 | NA | NA | 1.9 | 17.2 | 5.5
1965 | 0.59 | 0.70 | 2.0 | 2.0 | 2.8 | 20.1 | 6.4
1966 | 0.69 | 0.79 | 2.0 | 2.0 | 2.8 | 20.1 | 6.4
1967 | 0.81 | 0.91 | 2.0 | 2.0 | 2.8 | 20.1 | 6.4
1968 | 1.03 | 1.27 | 2.0 | 2.0 | 2.8 | 20.1 | 6.4

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SEGMENTED FIGURE 665—Part 8

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Mr. Chairman, there have been a great many figures in public life in recent years who have made a political career out of accusing the nation’s scientific establishment of some of the expenditures by the National Science Foundation; and certainly I have been very critical on occasion. However, I have also noticed that when “push comes to shove”, as it is said in the vernacular, the same public leaders are almost never willing to make the hard decisions and impose the restrictions on these agencies which the private sector would have been expensive, unnecessary and possibly very harmful to the crop and to the natural enemies of the thrips. As a result, the soybean thrips injury is inflicted during early vegetative growth. This information led to a logical recommendation to the farmers in Illinois: Hold back on insecticides unless the seedling soybean plants were actually being killed by the thrips.

Extension service scientists and county agents were successful in persuading most farmers to hold back on the use of insecticides, which would have been expensive, unnecessary and possibly very harmful to the crop and to the natural enemies of the thrips. As a result, the soybean thrips injury is inflicted during early vegetative growth. This information led to a logical recommendation to the farmers in Illinois: Hold back on insecticides unless the seedling soybean plants were actually being killed by the thrips.

Mr. BADMAN. Mr. Chairman, I want to yield the gentleman from Maryland (Mr. BAUMAN) for his minority views, which I have occasion to read. I know that his is a very difficult position to take because of the enormous scientific and educational establishment that has been built up over the years, largely financed with Federal funds.

I most wholeheartedly endorse exploring and gaining further understanding of the continental margins, and I generally view our exploration of the oceans as a burgeoning scientific venture, and development of its natural enemies by insecticides—was averted.

In fact, Mr. Chairman, I have read articles in major magazines about all the things that should be done to limit NSF, but they are not done. I think the responsibility lies right here in the Congress; and the gentleman from Arizona (Mr. RUSB), as a member of this committee, certainly can take credit for pointing out the deficiencies in the operation of the National Science Foundation and the lack of justification for the continual increases in that agency’s budget. Certainly also the people who sent him here should know of the role he has played in this instance.

Mr. RUID. Mr. Chairman, I thank the gentleman from Maryland (Mr. BAUMAN) for his minority views.

There is always room for dissent in our system of Government. That, however, does not detract from the great job which the gentleman from Texas (Mr. TEAGUE) has done or that our majority leader, the gentleman from New York, has done.

Mr. TEAGUE. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. FLIPPO).

Mr. FLIPPO. Mr. Chairman, I rise in support of H.R. 11400. The National Science Foundation’s budget, which this bill would authorize for fiscal year 1979, is an important “balance wheel” in the context of the entire Federal research and development system. Basic research supported by the NSF is often vital to the solution of national problems which you might expect to fail primarily under the responsibility of the mission agencies. That is not by any means the result of faultless operation on the part of the mission agencies. On the contrary, this situation exists because we often do not know what research is needed for the future. We need a pluralistic yet cooperative system which involves different approaches by different agencies.

For example, 3 years ago Illinois experienced the most severe outbreak on record of an insect pest called soybean thrips. This pest had the potential for dramatically reducing the soybean crop, and the Missouri Department of Agriculture had jointly sponsored a large project which had previously determined that the soybean plant has a large capacity to compensate for severe injury, provided that the injury is inflicted early in the grower’s vegetative growth. This information led to a logical recommendation to the farmers in Illinois: Hold back on insecticides unless the seedling soybean plants were actually being killed by the thrips.

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I most wholeheartedly endorse exploring and gaining further understanding of the continental margins, and I generally view our exploration of the oceans as a burgeoning scientific venture, and deserved so. Such a program has signifi-
cant scientific and practical benefits and would greatly complement the vast amount of important knowledge accumulated through the present deep sea drilling program.

This program to extensively explore the continental margins represents a significant change in the DSDP, as indicated by the need to have a specially equipped vessel with new drilling capabilities. My concern, and that of the Science and Technology Committee, is that we fully understand this commitment and that we adopt the proper approach to fulfilling it. That is, we should consider how this new program is to fit into the overall NSF program, what priority it is to have, how well the NSF can meet the goals of the program, and whether or not another agency, such as DOE or the Interior's Geological Survey, should be involved in the research. On page 16 of the report which accompanies H.R. 11400 it states:

There is no indication that the National Science Board, NSF's policymaking body, has authorized funds. There is no indication of a request for Congressional approval of the project itself. There is no discussion of what other "Big Science" projects will have to be forsworn if the deep sea drilling project goes ahead. I feel the Science and Technology Committee is correct in these observations.

Therefore, despite my real desire to see this type of research conducted, and although I understand and respect the opposing arguments of my friends and colleagues, I believe the long-term health of scientific planning and therefore science itself, would best be served by supporting the views of the Science and Technology Committee and voting against this amendment. And, Mr. Chairman, I urge my colleagues to do likewise.

Mr. KRUEGER. Mr. Chairman, to maintain our preeminent position in international science and the resulting benefits to the economy and to the quality of American life, it is imperative that we have the funds to provide for the National Science Foundation. The NSF was established in 1950 to benefit scientific endeavors for reasons of national security and economic well-being. Since that time the NSF has used these funds to support basic research and science education and, more recently, to aid applied research on selected national problems. Over the years the NSF has been most effective in stimulating scientific research and education programs. Through the programs of this agency we have made many advances, whether that individual students in various educational programs or for all mankind through radio telescopic discoveries in the universe.

The NSF budget request was well within reason; in fact, many thought the budget request for scientific programs was too small. The only major change from the President's budget was an increase from $50.7 million to $53.1 million. The other changes were made to reduce the size of the budget to an acceptable level. It would have been preferable to allocate more funds for the advancement of science; however, this would have caused an even greater budgetary crisis in the current fiscal year. The NSF authorization recommended by the Science and Technology Committee is reasonable and worthy of our support, with only a $6.4 million difference between it and the President's request.

H.R. 11400 was reported unanimously by the committee, and the report makes recommendations which should result in more efficient allocation of NSF funds. The progress of American science is important to the future of America and adequate funding for the NSF is the most important method of promoting our science and insuring its continued success.

Mr. LIEGGEY. Mr. Chairman, I am pleased this afternoon to voice my support for the amendment being offered by my distinguished colleague from Louisiana (Mr. Breaux).

The President, in his proposed fiscal year 1979 budget, included $4.2 million in budget authority for the initiation of studies necessary to determine the economic and technological feasibility of converting the Glomar Explorer for deep ocean research.

As an oversight, I am sure, the Science and Technology Committee approved only $1 million of that request. This amount is woefully inadequate and obviously would not provide the National Science Foundation with the funding they will need to do the evaluation.

My colleagues will no doubt recall the Glomar Explorer was constructed by the Summa Corp., a Howard Hughes company, under contract from the Central Intelligence Agency. It was built at an estimated cost of $240 million. Its one and only mission was the recovery of a sunken Soviet submarine from the bottom of the ocean.

At this very moment, the Explorer sits idle in my congressional district with the mothball fleet at Suisun Bay, Calif. This is indeed an unfortunate waste of the taxpayer's dollars for the construction of this vessel, not to mention the waste of its superior deep ocean research capability.

As chairman of the Subcommittee on Fisheries, and Wildlife Conservation and the Environment, I have been working for several years to get this marketable vessel in the market. We have been within our grasp the ability to make monumental progress in deep sea development. Rejection of this amendment would slow that momentum to a crawl. Support would reaffirm our national commitment to expand our mineral resource in that great unexplored and undeveloped frontier—the sea. The technology is at hand, the time is now, and the opportunity to make major strides in deep water recovery has been established. But what of the other possibilities—they defy the imagination! How many ships have been lost at sea through the years? How many billions of dollars in treasure have been lost on the ocean bottom? This ship most certainly has potential as a deep sea treasure hunter.

The stakes in deep ocean mining alone are gigantic. In the region between Hawaii and Central America, just north of the equator, an estimated 1.5 trillion tons of manganese-rich nodules lie on the ocean floor at depths of about 15,000 feet. These nodules contain about 29 percent manganese, which is essential in making steel. We are now totally dependent upon imported supplies of manganese, which come largely from Brazil and the African Nation of Gabon. These nodules also contain about 25 percent cobalt, a metal particularly important in the manufacture of alloys used in the electrical and aerospace industries. We today import all of our cobalt—almost all of it—from Zaire. The possibilities for undersea mining are endless.

To allow this superb vessel, with its magnificent capabilities, to remain idle and to deteriorate with the remnants of our World War II fleet in Suisun Bay, I urge my colleagues to support the amendment.

Mr. HOLLENBECK. Mr. Chairman, I
have no further requests for time, and I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

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

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the 'National Science Foundation Authorization Act for Fiscal Year 1979'.

Sec. 2. (a) There is hereby authorized to be appropriated to the National Science Foundation for the fiscal year 1979 for the following categories:

1. Mathematical and Physical Sciences and Astronomical, Atmospheric, Earth, and Ocean Sciences, $224,100,000.

2. (A) Advanced Research Projects Agency, $53,100,000.
   (B) Biological, Behavioral, and Social Sciences, $265,100,000.
   (C) Ocean Sciences, $450,000,000.
   (D) United States Antarctic Program, $82,000,000.
   (E) Science Education Programs, $89,000,000.
   (F) Applied Science and Research Applications, $67,000,000.

3. (A) Geological, Environmental, and Geophysical Sciences, $24,000,000.
   (B) Ocean Sediment Coring Program, $14,400,000.

4. (A) United States Antarctic Program, $54,800,000.
   (B) Of the total amount authorized under subsection (a) (6) —
      (1) $2,000,000 is authorized for a "Hands-Off Program"; and
      (2) $2,000,000 is authorized for the design of a program in Appropriate Technology.

5. Appropriations made under the authority provided in sections 2 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure for fiscal years following those specified in the Acts making the appropriations.

6. From appropriations made under this Act, not more than $500,000 may be used for official consultation, representation, or other extraordinary expenses upon the determination of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

7. Funds may be transferred among the categories listed in section 2 (a), but neither the total funds transferred from any one category nor the total funds transferred to any one category may exceed 10 percent of the amount authorized for that category in section 2 (a), unless:

   (A) thirty legislative days have passed after the request of the Director of the National Science Foundation or his designee has transmitted to the Speaker of the House of Representatives and the Chairmen of the Appropriations Committees of the Senate and the House of Representatives, the Committee on Science and Technology of the House of Representatives, and the Committee on Science and Technology of the Senate, a written report containing a full and complete explanation of the transfer involved, for the reason for it, and

   (B) before the expiration of thirty legislative days both the Committee on Science and Technology of the House and the Committee on Human Resources of the Senate have written to the Director to the effect that they have no objection to the proposed transfer.

Mr. TEAGUE (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. There being no objection, the bill is put in its final form.

There was no objection.

AMENDMENT OFFERED BY MR. BREAUX

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

The Clerk read as follows:

Amendment offered by Mr. BREAUX: On page 1, line 1, strike "$224,100,000" and insert in lieu thereof "$267,300,000".

After line 18 on page 2 add the following new subsection:

(c) Of the total amount authorized under subsection (a) (2), $14,400,000 is authorized for the Ocean Sediment Coring Program of which $4,200,000 is authorized for ocean margin drilling, planning and evaluation.

While I have written to the Director to the effect that they have no objection to the proposed'

Mr. BREAUX. Mr. Chairman and members of the committee, first I want to start off by saying that I have a great deal of respect for the Committee on Science and Technology, and I think it is basically a sound effort. By that I simply mean that they are seeking in their bill to do engineering studies and other evaluations to determine whether this is a feasible proposition or not.

So, my argument is, if it is going to cost us $4.2 million, let us go ahead and authorize the $4.2 million; and not trickle it out; not say, "All right, we will give you a million dollars this year, and then if you do all right, come back and we will give you a little bit more, and eventually the entire authorization."

If we are going to make the decision, let us make it. If it is $4.2 million, fine, here is the authorization.

In our hearings Dr. Robert White, former Administrator of the National Oceanic and Atmospheric Administration, said:

"Failure to authorize and appropriate the money in FY '79 will cause a delay in making major program decisions with a consequent impact on the total funding level. In FY '79 it is our estimate that the delay of a single year can amount to a total increase in the cost of the program of $6 million."

So what I have a great deal of fear about is simply this: that if we trickle out the authorization, if we say we will give them a little bit at a time in order to save money, we are not going to save money at all but it is going to end up costing more money and delaying the project. I think the responsible decision is to go ahead and authorize the $4.2 million.

The total project the ship is going to be used for is going to cost eventually $450 million, and we are talking about an increase in the authorization of $3 million.

That is money well spent. It is money in the long run that will be a savings.

Dr. John Slaughter, the Assistant Director of the National Science Foundation, said the same thing:

"Rather than experience the kind of delay in moving ahead that could occur, which might cost us as much as $25 to $30 million to recover, it is essential to have the kind of funding in fiscal year '79 to allow us to complete those studies and to make an assessment of the proper places to drill."

The whole project I am talking about has taken place with the full committee, the gentleman from Texas (Mr. Breaux), for whom I have a great deal of respect.

The amount authorized is $4.2 million, fine. I think it is necessary, and I will tell the Members why.

I think, very seriously, that the committee's authorization is being penny pinched. I see no saving, I simply point out the fact that they are seeking in their bill funds for an ocean program, bill, over which the Oceanography Subcommittee, which I have the privilege of chairing, has joint jurisdiction. We have had one day of hearings on that particular aspect of the bill.

What we have found is that it is something that is very interesting. As a deep sea drilling program, they have come up with the idea of converting a ship called the Glomar Explorer, which we were told at one time was used as a drilling ship but which has not been used for 2 years and pick up Russian submarines. They have come up with the idea that the Glomar Explorer can be a very effective vessel to do this deep sea drilling operation.

However our Government placed it in moth balls. I, along with many other Members of Congress, very loudly criticized the decision to mothball the ship in the first place, and I told the President, don't mothball it. Later on you are going to find some use for it, and it is going to cost us a lot of money to mothball it."

Here is where we find ourselves today.

We are in the process of trying to recommission this ship for a very worthwhile purpose. The Committee on Science and Technology has authorized $1 million. The budget of the President of the United States recommends $4.2 million. The Office of Management and Budget has cleared it. They recommend $4.2 million. They think it is going to be a four­step process to do engineering studies and other evaluations to determine whether this is a feasible proposition or not.

This country is desperate for oil and...
April 18, 1978

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there are strong indications that there are large deposits of oil off the margins, but it does mean some very difficult drilling. This ship will allow us to go down some of these places. The ship is in mothballs at the present time?

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

Mr. WYDLER. Mr. Chairman, will the gentleman straighten me out on this? I am under the impression that ship is being used at the present time for drilling operations in the Atlantic. If it is not that ship which is being used, what ship is it they are using?

Mr. PRITCHARD. I think the gentleman is mixed up. That is another ship.

Mr. BREAUx. Mr. Chairman, if the gentleman will yield, the gentleman might be referring to the Glomar Challenger, the sister ship of the National Oceanographic Service is using.

Mr. WYDLER. And the larger sister ship is in mothballs at the present time?

Mr. BREAUx. That is correct.

Mr. WYDLER. I thank the gentleman.

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

Mr. Chairman, our subcommittee cut the $3.2 million out of this not lightly in any way. We had the National Science Foundation people up 1 day on extensive hearings on this project.

What we are talking about is not drilling for oil or anything else. That would be something subsidiary that might come along, but what we are talking about is drilling very deeply in what is called the mud line, which the plates push up, where the crust of the Earth is subsiding underneath another plate and they want to drill down into that area and get some scientific data. There might be some subsidiary benefits in oil, and so on, but they would be subsidiary benefits.

We are talking about a very big project. The estimates range from $450 million to $540 million. This project would use the Glomar Explorer, the existing ship.

Our subcommittee felt at this time the NSF had really not justified this expenditure of money.

We do not know if we are going to go ahead with this $450 million to $540 million project. We have not made that decision at all. And, Mr. Chairman, when I say "we" I mean the National Science Foundation has not made that decision. We have not come to the Congress for that kind of money.

Further, Mr. Chairman, we want to hold the line on the budget, just as I mentioned in my opening remarks we only increased it by $400,000, but we left in the $1 million for this purpose for the feasibility study and for the preliminary design cost estimates studies. We still do not have an indication of how much the whole thing will cost or whether it is feasible.

For that reason, Mr. Chairman, I think the $1 million represents sufficient money for the use of the National Science Foundation to continue the studies and to come back after the preliminary studies are made and decide whether or not this project should go ahead.

Mr. Chairman, I might add one other thing and that is that the National Science Board, which is required by law to approve any projects costing more than half a million dollars, have given their approval of these projects, and they have not given their approval to this project as yet, although the Board did authorize the appropriation of this money for the preliminary studies.

So, Mr. Chairman, we believe that the $1 million is sufficient to go ahead with the preliminary design and study concept.

The only items, I am told, that will not be funded, the items that will go unfunded with this cut, are the design of the drill string and the site surveys.

We do not believe that delaying these two items will delay the overall project.

Finally, Mr. Chairman, I might speak to the amount of the $28 million that has been referred to by two previous speakers as $25 million. I think that if we delay this a year that the total cost will be increased by $28 million. Let me say that this estimate came from Dr. Robert White, president of the Joint Oceanographic Organization, and that is the group that will receive the bulk of the money if this project is approved.

But, Mr. Chairman, I think the responsible thing to do is to give the money to the National Science Foundation that is needed to make the preliminary studies so as to know what the cost estimates are so that we will know what funds we are talking about in next year's bill.

Mr. FUGA. Mr. Chairman, if the gentleman will yield, is it not true that in the testimony before the committee it was made pretty clear that the National Science Foundation really was not sure it could spend the additional funds that the amendment offered by the gentleman from Louisiana, Mr. Breaux's amendment provides? Therefore, I believe that we should approve the approach of using the $1 million, then if the NSF comes back with the information that they can carry on with the project under the funds that he has as a definitive outline, then we can go ahead in the next authorization bill and grant it. But there is serious question with regard to the total funds, whether the $4.2 million could be actually expended in this fiscal year.

Is that correct?

Mr. HARKIN. The gentleman is right. That is why I feel the responsible thing for us to do is to provide the $1 million for this project now. Speaking for myself and, I believe, for the subcommittee and the full committee, none of us are opposed to the project, but, rather we want to proceed in an orderly and responsible manner.

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

Mr. HARKIN. I yield to the gentleman from New Jersey.

Mr. HOLLENBECK. Mr. Chairman, I heard the subject of drilling for oil mentioned earlier in the debate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLLENBECK. Mr. Chairman, if the gentleman will yield further, it seems to me that all of the testimony was aimed at the fact that the current plans for drilling were purely scientific and not for oil exploration and the like. Is that the recollection of the gentleman from Iowa?

Mr. HARKIN. Yes, that is my recollection. That is what the National Science Foundation testified to.

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

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

Mr. BREAUx. Mr. Chairman, I have just a couple of points that I would like to cover.

Mr. Chairman, all of us, on the position of the National Science Foundation, let me say that the assistant director of the National Science Foundation, Dr. John Slaught­er, when he asked him in the hearings whether he thought the money was necessary said:

We feel very strongly about the need for the $4.3 million to do the kind of job we think is important to do.

He continued to clearly express how it was to be used and what the timetable for it was going to be, and he said:

Rather than experience the kind of delay in moving ahead that could occur, which might cost us as much as $25 million to $30 million to recover, it is essential to have the kind of funding in fiscal year 1979 to allow us to complete those studies and to make an assessment of the proper places to drill.

And he was referring to this year.

So at least in their testimony before the subcommittee they said the money was necessary, that they could use it, and if we were to delay it would end up...
costing everyone a whole lot more money than that.

Mr. HARKIN. I thank the gentleman. I would just respond to that by again saying that certainly those people in NSF want, of course, to keep their budgets up as much as possible in the different directorates, but again I think the right way to respond to that is to make them justify the program first. We have not had that kind of justification for a half-billion-dollar project to move ahead as rapidly as they want. We feel that the million dollars for the study is sufficient for this year. Of course, we will be back next year with their feasibility study and with their cost estimates. Then we will have a firmer handle on just how we are going to proceed on it, and at that time this committee can again take it up.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

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

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

The CHAIRMAN pro tempore. The question was taken; and the Members will record their presence whereupon a recorded vote was ordered.

A recorded vote was ordered.

Mr. GONZALEZ changed his vote from "aye" to "no".

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT OFFERED BY MR. ASHBROOK

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. ASHBROOK: On page 2, line 5, strike $158,000,000 and insert $152,000,000.

Mr. ASHBROOK. Mr. Chairman, since first being elected to Congress I have been deeply dismayed by the tremendous waste in Government spending. Every year millions and millions of taxpayers' dollars go down the drain without serving any useful purpose. Congress must bear a large share of the responsibility for this waste. All too often funds are appropriated and then there is no follow-up to see that the money is being wisely used.

Research grants given out by Federal agencies such as the National Science Foundation are an area of particular abuse. Highly questionable projects will be funded to the tune of the even hundreds of thousands of dollars.

Perhaps some of you saw the segment on CBS-TV's "60 Minutes" program a few weeks ago, titled "Bugs Are a Negative Factor." It discussed NSF's incredible $918,000 project in Big Sky, Mont., which resulted in a report so full of academic gobbledegook that about the only intelligible finding was that people who go camping don't like bugs and mosquitoes. As one man on the show stated: "I know a little bit about hunting and fishing and camping and stuff like that, but for God I couldn't tell them the same thing they spent $900,000 to find out."

The CBS story properly credited NSF with supporting much good research. But it also noted that many NSF grants are nothing more than "intellectual welfare." They support research that the public doesn't need, that only satisfies a researcher's eccentric fancy, and whose results are then wrapped up in
lots of academic double-talk in an attempt to fool us into believing that the project was worthwhile, when most likely it was not.

Other examples abound. NSF gave $40,000 for research of "Spider Distribution Associated With Prey Density." Then there was the NSF-funded study "Sociobiology of "Sorcerie Dogs" and the investigation of "The Socio-Sexual Behavior of the Dabbling African Black Duck." Or how about $19,370 spent to study "Epiphytic Vegetation of Brazilian Amazonia."

Another $40,700 grant went to study "Interpersonal Attraction in the Laboratory and in Educational Settings." Others included $36,500 to study "Evolution of Songlearning and Consequences in Parasitic Finches," and $25,000 for a series of experiments including one to gauge people's reactions when shown a picture of an octopus in a barnyard.

Just looking at NSF grants for March and April, I came across one for $107,827 for studying "Coordinated Activities in the Middle-Bar and Laryngeal Muscles of Echo Location Bats." There was also $35,600 for "Gene Action and the Development of Pigment Patterns in Mice" and $34,500 for "Mammal Evolution at Active Volcanoes in El Salvador and Nicaragua." In addition, $39,459 was awarded for "Factors of Non-Breeding Habitat in Shorebird Social Systems."

Crazy grant titles are far from being the major problem. It is the muddiness, often totally wasteful research that is behind the titles as well. The following grant summary quoted during Senate hearings on NSF appropriations tells the story:

This research continues substantive work on problems of internal representation and concurrent related methodological work on problems of external representation. The emphasis in the substantive work is upon experimental paradigms that yield structurally rich information bearing on questions of the extent to which internal representations and mental operations upon these are in some sense isomorphic to or analogous of their corresponding external objects and transformations.

No wonder taxpayers are angry, and I share their belief that Congress should do something concrete to stop this kind of foolish Federal spending. By all means let us encourage and support good basic research. But let us also strike a blow for commonsense by sending a message to NSF that it is time to stop awarding Federal research funds for "intellectual welfare."

That is why I am offering an amendment to NSF's fiscal year 1979 authorization bill to reduce the foundation's $941 million budget by $6 million in the area where many of the questionable grants are funded. This cut will come out of the NSF's $158 million line item for biological, behavioral, and social sciences research, which has been increased a whopping 11.1 percent over its current fiscal year 1978 budget plan. The social sciences element of this area, where a very large number of questionable esoteric grants come from, has been increased 22.5 percent over the current fiscal year 1978 budget in that area. My amendment provides a modest cut, and still allows more than $5 million increase in biological, behavioral, and social sciences basic research support over fiscal year 1978. It is less than a 1-percent cut in the total NSF basic research budget proposed for next year, which this bill increases 10 percent over last year.

But the amendment is designed to send a message to the National Science Foundation, without hurting support for good and worthwhile basic research, that Congress will not continue to authorize funds for unreasonable basic research, and that Federal research granting agencies should apply criteria of public importance to projects they support.

I urge your "yes" vote for my amendment to H.R. 11400.

Mr. RUDD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment.

I have studied NSF programs with some interest, and I am concerned about the bad image being given to Federal R. & D. efforts by some of the frivolous and unnecessary projects that are being funded by the foundation.

These projects get a lot of adverse publicity.

We have all seen news reports and television exposes about some of the more outlandish ones, such as projects to research the sociology of spider webs.

This amendment would sound a needed bell for some fiscal responsibility by NSF along these lines, in one budget area where much frivolous research gets funded, without hurting other good research efforts.

We cannot expect NSF to think seriously in terms of real public importance in the funding of research projects if we continue to authorize huge annual increases for esoteric and low-priority research.

I want to include a table in the Record which shows the huge increases authorized by this bill in the budget area that this amendment seeks to reduce:

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<th>NATIONAL SCIENCE FOUNDATION—SUMMARY OF FY 1979 BUDGET FOR BIOLOGICAL, BEHAVIORAL, AND SOCIAL SCIENCES RESEARCH SUPPORT</th>
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<td><strong>I. Physiology, cellular, and molecular biology:</strong></td>
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<td><strong>II. Behavioral and neural sciences:</strong></td>
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<td>700</td>
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<td><strong>III. Environmental biology:</strong></td>
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The table shows the budget increases authorized by the House bill for the fiscal year 1979.
How can we possibly justify a 22.5-percent increase for social science research projects, which are funded by the Federal Government on an unsolicited basis?

NSF is not a mission agency, like NASA and the Commerce Department.

Researchers submit proposals to NSF for funds to research some idea that they want to develop. These projects are not necessarily vital to the public interest, and often do not justify taxpayer support.

Obviously NSF must toe the line on some of this over-generous spending for questionable research. The best way to accomplish this is to slightly cut the Foundation's budget in an area where much of the trouble lies. This may prompt NSF program officers to use more discretion in the projects they support.

NSF should not be in the business of using taxpayer dollars to finance the research hobbles of academic Ph.D.'s, who have some time on their hands and some esoteric idea that they would like to develop at public expense.

This amendment will help us to accomplish the objective of limiting this practice, of injecting some fiscal sanity into the support of basic research.

I urge adoption of the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. More than 100 years ago, a distinguished U.S. Senator by the name of Simon Cameron rose in the Senate Chamber and declared, "I am tired of all this thing called science. We have spent millions on that sort of thing for the last few years and it is time it should be stopped."

Cameron was venting his frustration in 1848 over a $6,000 request by the Smithsonian Institution for funds to be used for scientific endeavors. How fortunate we are that Senator Cameron's views were in the minority. I shudder to think what the results of his bill would have been if the U.S. Congress had decided, in 1861 to cease its encouragement and support for scientific research.

Mr. Chairman, before the House is being asked to approve a bill to authorize funds for NSF for next year. While no responsible Member would now suggest that the Government know all about the esoteric idea that the scientific research, some may begin to question why we have to spend all this money, over $940 million to the NSF. To those of my colleagues who would even begin to think such thoughts, I would like to point out that in the 117 years since Senator Cameron spoke these words, science has eliminated most of the diseases and pieties that have plagued mankind from prehistoric times; has made giant strides to provide a better understanding of the fundamental laws of nature; has provided the United States with the capability to have the highest standard of living in the world, and one which is to continue into the future.

I would like to talk about the amendment which is offered and some of the comments just made about studying "gay sea gulls." We have heard a lot of discussion about studying homosexual sea gulls. The title of this project is really the "Etho-Endocrinology of Female Pairs of Western Gulls." Somebody wrote a newspaper article about it and titled it "Gay Gulls Discovered."

What is this study? This is a study of hormones. Endocrinologists study the glands which secrete hormones and the mechanisms by which hormones are made.

Ethisology is the study of animal behavior and in 1973 the Nobel Prize in physiology and medicine was awarded to three men who many regarded as "Mere Animal Watchers."

Two of these men, Dr. Lawrence and Dr. Ben Bergen studied the behavior of birds. This study we are funding now for $62,300 is to continue that kind of study. What kind of hormone differences are making these birds act the way they do? You know, we get a lot of talk in this Chamber about silly sounding grants and about why they are funded. Let me give you an example of silly sounding grants and what they do. Here is one titled, "The Excretion of Urine in the Dog." How many members would like to go on record as voting for funds to study the excretion of urine in the dog?

Then there is, "The Excretion of Insulin by the Dogtie." Such studies seem rather remote from human concerns.

Yet the results of this study by Dr. Shannon and Dr. Simon show the importance of the function of the human kidney and the relationship of hormones to kidney function. In 1975 Dr. Shannon was awarded this National highest honor in science, the National Medal of Science, for his research in this area.

How about rat skins and pigeon hearts? How many Members would like to vote for funds for a study of the "Spectrofluorometry of Rat Skins and 'Aerobic Metabolism of Cytochromes in Pigeon-Hearts'? Again, what do they have to do with all the pressing problems that face us today?

The answer is that the work done on these studies by Dr. Chance—and again he too was awarded the National Medal of Science in 1975—led to developing methods of identifying what factors were crucial to the performance of the lungs and the blood in supplying oxygen to body tissues.

Here is really a good one: How many Members would like to vote for some of their taxdollars on a study that is titled "Concerning the Inheritance of Red Hair"? Do the Members think their taxpayers would approve spending money on that? The answer is yes, if they are told the full truth about this study.

This study was done by Dr. James Neel of the University of Michigan Medical School, and he won the National Medal of Science for his work. That research increased our understanding of sickle cell anemia, a disease that follows genetic patterns of inheritance.

So these are funny-sounding titles, but the amount of information we have gained from the studies has increased by a thousandfold our understanding of what is happening in human nature. They all go together to make up this great jigsaw puzzle in our study of the science of human behavior and human nature. These studies may sound silly; they may sound like a waste of money. The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Mr. Chairman, as I say, these titles may sound silly. Some of them may not bear fruit, but they are all very important.

The Members with this one thought about how important one of these projects may be, even though it sounds silly. How many Members in the past would have voted for money to study the "Growth of viruses in monkey kidney cells"? Probably not very many.
But this project alone won the Nobel Prize for Dr. John Enders of Harvard University some years ago. The study had no practical use at that time, but it laid the foundation for the development of the first polio vaccine by Dr. Jonas Salk. The silly sounding title of a basic research project today may be the cancer cure of tomorrow.

Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I appreciate the fact that my distinguished colleague, the gentleman from Iowa (Mr. HARKIN) has now told us why he thinks these specific grants in this section on biological, behavioral, and social sciences are so important. The gentleman mentioned that he could tell us something about them, and I think he said something about the fruitful results that have occurred.

Was the gentleman speaking of the gay gulls, or just what did he have in mind when he said about “fruitful results”? Can the gentleman tell us what the results were?

Mr. Chairman, I think the taxpayers would be glad to know that some Members from the gentleman’s side of the aisle hissed when we were trying to find out how this $158 million was to be spent. Let the Record show that. Is it? Be attentive, as the gentleman will tell us what fruitful results we are to have from this specific research?

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

Mr. ROUSSELOT. I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, as I understand it, the study was just started last June. I do not know that we have any results yet.

Mr. ROUSSELOT. It started last June, and we do not have any idea what end result we can expect.

Mr. HARKIN. Of course not. With many of these studies we will not know the end results for years. Again, this may be just one little part of the Jigsaw puzzle.

Mr. ROUSSELOT. For years we will not know the result? Not even a guess? Mr. HARKIN. We may not know for years.

Mr. ROUSSELOT. Mr. Chairman, the gentleman knows full well that our colleague, the gentleman from New York (Mr. DOWNEY) constantly demands of the Defense Department that we have an amendment to enhance future research. Yet the gentleman is asking us to vote against this amendment because it will cut out what the gentleman from Ohio (Mr. ASHBROOK) feels are unnecessary applications. This is the place to reduce something before we get started.

So would the gentleman tell us again what grand results we are going to have from these studies?

Mr. MCCORMACK. Mr. Chairman, if the gentleman will yield, perhaps I can be of help to him.

Mr. ROUSSELOT. Yes, I yield to the gentleman. We do need a lot of help.

Mr. MCCORMACK. Mr. Chairman, in the first place, we never set out on basic research with the promise that we’re going to have some immediate profitable results. Basic research is established as a search for truth, and many pieces of truth found in one project may, over a long period of time, interlock together to the benefit of society.

Let me give the gentleman several simple examples.

This particular study that he is questioning really has to do with the relationship between hormones in animal bodies and animal behavior. This is something that we did not have at all together, I think anybody who has read my amendment can see that we are cutting from $158 million to $152 million. I leave it to your own best judgment whether the $152 million will be spent in basic proper applied research. I myself might have some doubt. You might not.

The CHAIRMAN. The time of the gentleman from California (Mr. ROUSSELOT) has expired.

(By unanimous consent, Mr. ROUSSELOT was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield, perhaps I can make fun of this-—the other side of the argument of my colleague, the gentleman from Iowa, implicit in his argument is that everything they have spent is proper, he would support, and a little bit more. I want to help go to man and mankind. If you believe that, then go ahead and vote my amendment down. But if you have just a little inkling that the deep, dark passage of your mind you will do otherwise. The gentleman talked about schizophrenia. Maybe he is talking about balanced budgets and voting against amendments like this. Who knows, maybe they ought to study that. But if you have any doubts whatsoever about the overall expenditures of the National Science Foundation, then a cut of $6 million in no way is going to hurt them in their good purposes. I would suggest that we vote for this amendment.

Mr. ROUSSELOT. I thank the gentleman for his comments and want to emphasize just one fact. The Ashbrook amendment would delete $6 million from the “Biological, behavioral and social sciences” section of the bill reducing the program in fiscal year 1979 to $152 million. This is no meat-ax cut—all we are suggesting is a restraint on the increase over last year’s budget. In fiscal year 1978 this same category was budgeted at $142 million. Putting the fiscal 1979 level of funding at $152 million would still be a 6.8 percent increase over last year.

Mr. TEAGUE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, our committee has taken note of the problems of the National Science Foundation. I confess I do not know anything about the sex life of seagulls, but I do know a little about cattle. A few years ago on this floor it was proposed that we study the sex life of the fly, and everybody thought it was ridiculous. But anybody in this House who knows anything about cattle knows that we got rid of the screw worm by studying the sex life of the fly. So it is not good to ridicule every kind of proposal that comes up here.

Mr. Speaker, I think we ought to put this in its proper perspective.

Mr. ROUSSELOT. Does the gentleman think that is possible?
Mr. GARY A. MYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I attempted to ask the gentleman from Iowa (Mr. HARKIN) to yield briefly because I thought the point ought to be made that there is a set of priorities which every agency has to deal with.

I think the question which the Ashbrook amendment goes to is the question of whether or not the National Science Foundation has always acted wisely in the selection of basic research projects. It bothers me that during the committee hearings on one occasion I did ask the NSF representatives to describe some of their failures to me. Their response was that they believe there were no failures. It appears that their attitude is as long as they spend money and they generate some information, there is no failure involved.

I reject that attitude because of the fact that a serious need has been demonstrated for additional support in basic research. Perhaps $150 million is not adequate, and the $6 million is necessary. However, the question that this Committee faces itself is whether it is going to apply sufficient pressure and oversight on NSF to justify those basic projects which they have funded. I do not think we can accept out of hand the attitude from this agency that just anything they do has been successful.

I personally think that they probably have some failures in that they have overlooked some of the greater needs when they have applied money to some of the lesser needs. It is that sort of attitude we have to get at.

Mr. Chairman, I tend to agree with the gentleman that with respect to this line item there has been a significant increase in funding.

I voted for the bill when it came out of committee, with reservations, much the same as those which the gentleman has expressed. Even if I object to his amendment, I will continue to have reservations about the attitude in this agency that prevails that they have not failed and they cannot fail as long as some information is generated. That is a little narrow-minded, and I would hope they would change their attitude in that respect.

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

Mr. GARY A. MYERS. I yield to the gentleman from Washington.

Mr. McCORMACK. I thank the gentleman. I suggest to the gentleman that I do not think anyone in this Chamber would pretend that everything the National Science Foundation does is perfect, or that NSF personnel do not make errors in judgment in making grants. However, to criticize on that plane is Monday morning quarterbacking.

I suggest to the gentleman that one of the greatest failures in the last 100 years of experimental history was the Michelson-Morley experiment, when two of the outstanding optical scientists of the world set out to measure the speed of the Earth through what was then called the ether. After years of extremely careful work, they reported that they could find nothing.

The scientific world was dumfounded. The whole experiment was a colossal failure. Everyone asked why. It was that failure—the one that led—according to Albert Einstein to develop the theory of relativity.

Mr. Chairman, even failures produce information, and, in some cases, valuable information.

Mr. GARY A. MYERS. If I may respond to the gentleman, Mr. Chairman, my point was that I asked a representative of NSF this question: ‘Looking back on the projects to which you have already applied money, can you identify some information or some project that you would not have funded if you had better insight?’

They indicated in response to that they had no failures.

Mr. Chairman, it seems to me that if they do not make mistakes in way of evaluating past funding, that would make it very difficult to determine which are the most reasonable projects to go forward with.

There is a judgmental consideration, and all I was trying to get at is, What are the ground rules? What are the criteria which they attempted to project in a solicitation for a grant? What would be the proper funding for an appropriate project at the time?

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

Mr. GARY A. MYERS. I yield to the gentleman from Iowa.

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

The gentleman knows that not every proposal which comes into NSF is funded, not by any stretch of the imagination. They do have to make their determination, after peer review, in justifying the proposals.

When they do that, I would say that anything after that point which is regarded as a success adds to the storehouse of knowledge that mankind has, is not a failure.

Mr. GARY A. MYERS. Of course, the gentleman then supports the attitude that NSF is not to have any oversight applied to it by this Congress. It would seem to me that that is what the gentleman said in his original premise.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GARY A. MYERS) has expired.

(By unanimous consent, Mr. Gary A. Myers was allowed to proceed for 2 additional minutes.)

Mr. GARY A. MYERS. Mr. Chairman, I agree, and the gentleman from Iowa (Mr. HARKIN) obviously agrees that there are more opportunities to fund than there are funds to apply, and that demands some level of competence in selecting the most worthwhile projects. Mr. Chairman, the question which I think it is proper for the members of the House to ask is, ‘What criteria can you identify under which you selected projects when you would, in looking back, have felt that something else was more appropriate?’

Mr. HARKIN. Will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Iowa.

Mr. HARKIN. Our purpose is not to sit as an authority and pick one project over another. Our oversight authority and accountability is to make sure that the procedures are fair and equitable, but not to sit in authority to pick one project over another.

Mr. GARY A. MYERS. The gentleman states my case, if I may claim my time. I think that is important. It was the procedure by which they work which I was trying to get at; procedures by which they apparently work so that they have no failures as long as some information is generated. That is what concerns me about their attitude. Their procedures indicate that just anything they do has been successful.

Mr. HARKIN. I would agree that there have been some projects that have been funded that may not have produced a tangible result, something we can grab hold of, but that research has added to the basic storehouse of knowledge we have, and it may pay dividends in the future. But, even if it does not, it adds to the total picture of our understanding of nature and human behavior.

Mr. GARY A. MYERS. It seems obvious to me that in the number of projects the National Science Foundation has made in any given year, there is great potential for advantage to pursue it. In fact, less potential results if a project has already been selected, NSF has in fact experienced some sort of failure.

Mr. DOWNEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to my colleagues who are anxious to vote I say, ‘Yes, there was some inappropriate application of funds, and we are taking corrective steps.’

Mr. HARKIN. I would agree with the gentleman. I would appreciate it if you would stay within the wall for the full 5 minutes.

To my friend from Ohio who has, I believe, the taxpayers’ interests at heart, and who I know is careful in his scrutiny of our Oversight, I issue this challenge to him: If the gentleman is concerned with the $150 million or so R. & D. money that is spent in this committee, what I would hope he would do with me, when the $12 billion authorization for research and development for the military comes up, is that he will be as vigilant as he is with the National Science Foundation and take a look at some of the projects that we deal with in R. & D. in the Armed Services. For instance, we have the $3.1 million for food radiation, and we have spent $50 million for bombarding meat and potatoes with neutrons which the Army, by the way, has never been able to get FDA approval for.

Mr. ASH BROOK. I absolutely agree with my friend Mr. Chairman.

Mr. DOWNEY. I hope the gentleman is willing to take a hard look at the R. & D. budget, and take a look at some of these projects so that we might deal effectively with the National Science Foundation, and also the military, because I suspect that there are many, many hundreds of millions of dollars that we let slide by every year.
Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield, I agree with him 100 percent on that particular point, as he well knows, because we conferred on it. And I am one of those who thinks that it takes a considerable amount of talent to spend as much money on defense as we do, and have as little defense as we have of which it may make oft the gentleman takes that stand, I am well pleased.

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

Mr. Chairman, I make this motion reluctantly. I was even reluctant to stay to strike the requisite number of words.

Mr. ASHBROOK. I would say to the Members that if the purpose of the Member who moved this amendment is to exercise fiscal control, to provide some change in the rate of increase in funding for scientific research, then I would say the evidence is there; he had made his case. Unfortunately the debate got far beyond that because we then began to indulge in a sort of arm's-length oversight in the area of science which, in real life as I have said before, was dear to my heart. The House got into an exercise of fun and games.

I would say to the Members that if what they seek to do is not just to exercise fiscal restraint, but rather to discourage basic research, fundamental research, research for which we do not know whether there will be a public benefit or a public payout, then I would say that they are threatening the technological superiority of our country. I would say to the Members that they are undermining the technological basis of our scientific society.

I have heard some of my colleagues talk disparagingly of esoteric research. I have heard some of them refer contradictorily to basic applied research, as though there were such a thing. I have heard those who criticize research which we do not know will be of public interest.

What they are talking about is basic research, basic fundamental studies, pure research, the investigation of fundamental scientific questions for which it may not be known until after, perhaps long after, the experiment is concluded whether there was any public benefit, until after the experiment was concluded.

I think I would have to say they are on dangerous grounds.

In general it can be shown that most scientific breakthroughs come not from applied research. Most scientific breakthroughs come not from practical applied studies but from fundamental research, where we do not know in advance whether or not we are going to find anything. Most of them are looking at the particular topic, whether there is going to be any benefit at all. That is why it is important for us to rely on the peer review system that is used for deciding which projects are going to be funded.

It seems to me some of our colleagues want to fund only applied research. I want to make a point about that. There are many people who come up with practical results. They are often used in the evaluation of a market. We want to suggest to the Members that if indeed, such benefits can be clearly perceived in advance we may not really need to have Government fund that kind of research. If there are going to be marketable benefits we are going to find there will be numerous interests willing to pay for that kind of research, in order to enjoy the many and other benefits of patent rights.

Another is in the field where we cannot tell whether there will be any monetary rewards where the public support is much more important; where it is much more important for public policy to provide a climate for that kind of research. That is what we must seek to enable our best minds to study, not what we as politicians think they ought to be studying, but what they from their scientific training are led to be curious about, what they want to know about, what they want to probe in a scientific way.

I would hope our Members would be very careful in considering this amendment before us. If what we want is fiscal control, that is one question. That ought to be applied to all agencies, as we have indicated. But if what we want is to abolish fundamental studies as opposed to practical applied research, then I would urge the Members to be very careful because we are treading on very dangerous ground, indeed.

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

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

Mr. MCCORMACK. Mr. Chairman, I want to congratulate my colleague for his excellent statement. Let me ask him if he would not agree that when we are pursuing basic research, really we are hoping to uncover scientific facts. We are seeking scientific facts which by themselves may be confusing or of little present value; but which, taken together with what may result from various experiments, may in time fit together into a new understanding of nature. It is when these new understandings are subsequently applied that we later produce valuable tools which may be of great benefit to human society?

Mr. MARTIN. The gentleman has put it very well. I thank him for his contribution.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

By unanimous consent, Mr. Martin was allowed to proceed for 1 additional minute.

Mr. MARTIN. Mr. Chairman, often it is when our most capable scientific minds are investigating matters, which their training and the training of their colleagues enable them to study in ways that the rest of us cannot do, that they are often able to find discoveries that they had not anticipated. Those discoveries would not have been found if lesser minds were looking in those areas. It is only when we have our best minds which are studying a matter of curiosity to them to have found that kind of unexpected discovery known as serendipity.

If we discourage our best talent from studying purely scientific questions which they can perceive but which you or I might ridicule if instead we direct them to study only questions which the untrained mind can understand, society will lose.

I ask my colleagues to resist the temptation of this amendment and vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

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

A recorded vote

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayeS 174, noes 229, not voting 21, as follows:

[Roll No. 233]

[AHSENT 174]

Abdnor  Fountian  Mitchell, N.Y.
Allen  Powler  Moskowa
Applegate  Gaydos  Montgomery  Moodyhead
Armstrong  Ginn  Motiv
Ashbrook  Christian  Murphy, Ill.
AuColin  Goodling  Myers, Gary
Badham  Brackley  Neal
Barnard  Brasheard  Neilson
Benjamin  Hall  O'Brien
Benett  Hamlin  Pritchard
Bevill  Schmid  Quayle
Bowen  Schmitt  Quillen
Brinkley  Meclellan  Ralston
Brown, Mich.  McFarland  Risenhoover
Brown, Ohio  Hightower  Roberts
Brothill  Hillis  Robinson
Byron  Buchanan  Rouselot
Burke, Fla.  Buckley  Rudder
Burleson, Tex.  Bump  Ruppe
Butler  Hyde  Rusk
Byrus  Bruton  Scholz
Clawson, Del  Ireland  Schulte
Collins, Tex.  Jenkins  Sebels
Corcoran  Jenrette  Sharp
Coughlin  Jeffries  Skeel
Cunningham  Keene  Smith, Nev.
D'Amours  Kemp  Snyder
Daniel, Dan  Ketchum  Speake
Daniel, R. W.  Kindness  Spence
Davis  Lagomarsino  Stanton
de la Garza  Laita  Steed
Den  Lederer  Stokman
Dietrick  Leni  Stump
Dervinski  Lewin  Symms
Dixon  Lott  Taylor
Dixion  Lott  Treen
Dingle  Lojek  Vandervest
Dornan  McDonald  Vangrogen
Duncan, Tenn.  McIver  Wagner
Eckard, Ala.  Madison  Waich
Eckard, Okla.  Mabry  Waich
English  Marlenee  Whitehurst
Evans, Del.  Marriott  Whitten
Evans, Md.  Matzor  Whitley
Evans, Ind.  Massoni  Weyler
Finchel  Mitchell  White
Fiorio  Miller, Ohio  Young, Fla.
Foryszte  Minish  Zeferetti

NOES—229

Addabbo  Anderson  Baldus
Akaka  Anderson, Ill.  Bausch
Alexander  Andrews  Bean
Ambrose  Anderson, Wash.  Beedell
Amman  Ashley  Bedell

April 18, 1978

CONGRESSIONAL RECORD—HOUSE

10433
Mr. MAHON and Mr. LIVINGSTON changed their vote from "no" to "aye." Mr. WIRTH changed his vote from "aye" to "no." 

So the amendment was rejected.

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

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

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

Mr. RUDD, Mr. Speaker, that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there appeared 364, yes 37, not voting 33, as follows:

[Roll No. 294] YEAS—364

NAY8-37

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Amerson, III
Andrews, N.C.
Andrews, N.J.
Andrews, W.C.
Appleton
Armstrong
Ashley
Aubin
Badham
Baldus
Baucus
Beard, H.
Beard, T.
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Bengston
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Bergstrom
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Brown, Tenn.
Brown, W.Va.
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Brown, Young, Tex.
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At this point, I include the text of the bill to be entered into the Record:

H. R. 12190
A bill to amend the provisions of title 39, United States Code, relating to the mailing of solicitation devices as inquiries or statements of accounts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3005(a) of title 39, United States Code, is amended

(1) by inserting "including the mailing of matter which is nonmailable under section 3001(d) of this title," after "false representations," and

(2) by adding at the end thereof the following: "For purposes of the preceding sentence, the term "solicitation" means a scheme or device for obtaining money or property through the mail by false representations."

The remarks follow:

AFRICA UPDATE: RHODESIANS, REVOLUTIONARIES AND RUSSIANS

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

Mr. CHORD, Mr. Speaker, as Secretary of State Vance is now in Africa and has met with guerrilla leaders Joshua Nkomo and Robert Mugabe and I believe is now meeting with the established transitional Government of Rhodesia, I would encourage my colleagues to read the first-hand report of another highly respected American, Lt. Gen. Daniel O. Graham, former head of the Defense Intelligence Agency, titled, "Update: Rhodesians, Revolutionaries and Russians:

It is regrettable that there are few Members in this body who have not personally journeyed to Rhodesia to survey conditions as they exist thus permitting them to make informed and unbiased judgments.

Having been one of the few Members of the House to have visited Rhodesia, I have a basis for comparison and evaluation. I find General Graham's observations fully consistent with my own and while what he has to say is not highly complimentary of our policy with respect to Rhodesia, his comments are deserving of the attention of all Members. It is indeed strong language to state that a coalition of black Rhodesian moderates and the white Rhodesian minority are confronting a coalition of black terrorists supported by the Soviet Union and incredible as it may seem—the United States and the British! Thus, any decision is made even more grotesque by the atrocities committed against defenseless black tribesmen by the US-UK supported side in the struggle for control of Rhodesia.

The recent political agreement inside South Africa between the white leaders led by Prime Minister Ian Smith and the moderate blacks represented by Masra, Chirau, Sithole and Musorewe presents the United States and the British with a chance to make sense of policy toward that country and toward Southern Africa as a whole. This is the so-called "internal solution" to the problem of majority rule in Rhodesia. It quite simply excludes the participation of the Marxist "Popular Front" led by Joshua Nkomo from neighboring Zambia and Robert Mugabe in neighboring Mozambique.

But London and Washington have been insisting that no settlement in Rhodesia would be acceptable that did not include the "external." In recent months, the British government softened its stand almost immediately after the new Salisbury agreement was announced, leaving the United States Department alone in condemning the agreement out of hand. However, Washington registered severe qualifications along the U.S. State Department alone in condemning the agreement out of hand. However, Washington registered severe reservations a few days later and took a more neutral stance toward the "internal solutions" in Rhodesia. It remains to be seen if these indicators actually herald a return to common sense in U.S. policy toward critically important Southern Africa.

As one American who has visited Southern Africa, I certainly hope that our government takes advantage of the unique opportunity to discard improper and immoral policies toward Rhodesia and South Africa.

Once an American is brought face to face with the realities of Southern Africa, he finds it difficult if not impossible to explain his government's policies, let alone defend them. He finds the American in Southern Africa playing into our enemy's hands, and of pushing the black population to defend backwards toward the Stone Age.

The American in Southern Africa finds himself using the same excuses of "American naivete" or "deference to British policies" to explain our blind hostility toward the Rhodesians and South Africans.

There is one other escape from the problem of trying to defend indefensible U.S. policy—to attack the obvious flaws in South African and Rhodesian societies. It is the easiest escape, because the American visitor can point the finger of outraged hypocrisy at the gross disparity of numbers between the powerful white factions and the politically depressed. He can in South Africa point with scorn at the "Whites Only" and "Nonwhite Only" signs which bedeck the country's facilities. (He can in Rhodesia do this in reverse.)

An American can lash out at the all too obvious disparity between Rhodesian and South African society and the ideals (not the reality) of western democracy.

Many Americans and Europeans take this escape when addressing the issue. But to do so requires rejection of a fundamental reality—Rhodesia and the Republic of South Africa are in Africa, not in Europe or North America. The condemnation and subsequent pariah status of these two coun-
tries can be justified only by the unjust practice of comparing them with European states, e.g., Holland or France. If we judge them by their own standards, Rhodesia and South Africa—for all their flaws—are exemplary states. This is true not only in terms of the material and social well-being of their black populations, but even in terms of the black populations.

Nonetheless, Africa is that only a handful of its 52 nations are not totalitarian or authoritarian dictatorships. Some are ruled by incredibly brutal regimes, as that of Idi Amin's Uganda or Mengisteu's Ethiopia. With the exception of four or five countries—Rhodesia and South Africa among prominent among those exceptions—no political opposition is allowed; no opposition newspapers, no meaningful elections. Most of these dictators are drifting backwards into tribalism, sometimes accompanied by massive slaughter of weaker tribes by the dominant ones. E.g., 100,000 opposition tribesmen slaughtered in Burundi. Political repression in many of these countries makes the limited franchise of Rhodesia and South Africa appear benign and liberal.

These lame excuses are not a comfortable refuge for the white mind. While other African questioners of U.S. policy. There is no escaping the fact that in Rhodesia black majorities do not control the government in numbers too great to be accommodated with salary and arms, while on the other side, that of the African nations simply because the dominant races are destroying their own economies.

On the other side, that of the Africans, we see reactions to the massive slaughter of weaker tribes by the black races and made their wives cock and eat the severed parts? Is this the road to political power we condone? Does our support of South Africa help the black people of Rhodesia? If not, the answers to these questions would prompt a U.S. change of policy toward support of the blacks in Rhodesia. We live in an era in which the United States, historically opposed to racism in Rhodesia which should be followed by a lifting of economic sanctions to give a promising effort by men of good will in that part of the world a reasonable chance of success.

THE FINANCIAL PLIGHT OF JUNIOR ENLISTED PERSONNEL OVERSEAS

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

Mr. HILLIS. Mr. Speaker, the financial plight of many of our junior enlisted personnel overseas must be of concern to us all. The situation is particularly in Germany—has received considerable attention in the news media of late. Remarkably, junior enlisted personnel are being separated from their families unless absolutely necessary.

Moving expenses are not the only cause of financial problems among junior enlisted personnel overseas. Once there, the service member stationed in certain areas receive a housing allowance and a cost-of-living allowance to offset the higher cost of living in these areas. Although these allowances are fairly received, the difference in the cost of living due to the changes in the currency rate of exchange and in the general rate of inflation, the housing allowances, in particular, is calculated under a number of different formulas. Some of these formulas more closely approximate the actual housing expense than others.

Since housing expenses make up a major portion of the service member's income, it is especially important to ensure that they are computed accurately and on a timely manner. The "normal" housing allowance system in effect at most overseas locations requires annual surveys of members living on the local economy. The survey includes rental costs, initial occupancy expenses, and utility costs. These are averaged for each pay grade, and housing allowances are set up to make up the difference between basic allowances for quarters and the average expense. As a result of the averaging, some members in a given grade draw housing allowances greater than their actual expenses or less than their expenses. Further, annual reviews of housing expenses do not account for rapid changes in the exchange rate such as has been experienced during the last year with the fall of the dollar on the world market.

Several special systems have been designed for specific overseas areas to prevent the overpayments and underpayments resulting under the "normal" allowance system.

When military personnel are stationed in areas where the currency rate of exchange is above the U.S. dollar, they must check with military housing officials to see if the rental charges were more accurately compensated our service members, particularly those in the low pay grades, for housing costs. If we ask military personnel to be separated from their families unless absolutely necessary.

THE AGING VETERAN POPULATION

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

Mr. ROBERTS. Mr. Speaker, the administration is proposing that during the next fiscal year, the Veterans' Administration close 3,132 operating beds in various hospitals throughout the country. I have notified every Member where these beds are scheduled to close. This does not mean that the elderly veterans would receive less care. It means that the elderly veterans would receive better care. It means that the elderly veterans would receive better care in a hospital more cumber- some to administer. I think that this would be a small cost to incur to insure equitable treatment of our most junior personnel.

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Is this a time to be closing beds? Is not the demand for inpatient and outpatient care greater than ever before?
The answer is obvious, Mr. Speaker. Many veterans have already reached the age where their medical needs are increasing. The aged veteran is subject to a number of health problems which are characteristic, and are related to age and the aging process.

According to the VA study, currently, veterans comprise 45 percent of all American males over the age of 20 years. Because of the large number of veterans of World War II and the Korean war, by 1990 more than half of U.S. males over age 65 years will be veterans, and by 1995 veterans will exceed 60 percent of the total. It is important to bear in mind that veterans will comprise the major portion of the male aged population for the remainder of this century.

To the veteran, the VA is a comprehensive health service provider as a prepaid benefit and available as eligibility is achieved. It represents a central focus for resort source of care for thousands of needy veterans throughout the country.

It is for these reasons that veterans everywhere are questioning our budget priorities. In answering and in fiscal year 1979 the Office of Management and Budget is requiring the VA to close 3,132 hospital beds at a time when bed demand by World War II veterans is rapidly escalating. If VA study results show that within the next 2 years our aged veteran population between the ages of 65 and 70 will have doubled since 1975, does it make sense to start closing beds?

Mr. Speaker, I can understand OMB's desire to reduce the budget deficit. I can understand the Budget Committee's desire to reduce the budget deficit. I want to reduce the budget deficit. I am simply asking why should we do it at the veteran's expense? It is a question of priorities and apparently to some people benefits which do not appeal to them because their families do not rate so high. Let me cite an example. The administration proposes to terminate the programs for the remainder of this century.

Mr. Speaker, I propose that we include the funds for the construction of these VA facilities, and in doing so, eliminate the problems existing at so many VA medical facilities. At the same time, it will provide jobs for veterans and give them some hope for the future. It is the least we can do.

I hope we will review our priorities and make the necessary adjustments. Let is not forget those who fought and died for our freedom.

THE RELEASE OF JACOB TIMERMAN FROM THE PRISON OF ARGENTINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Conte) is recognized to close the debate on the motion.

Mr. CONTE. Mr. Speaker, I was elated to inform the House earlier today, of the release from prison of Mr. Jacob Timerman. Mr. Timerman has been incarcerated in an Argentine prison for over a year, while the government tried in vain to substantiate the accusations made against him. Recently, I had the privilege of visiting Mr. Timerman in his prison cell, and listened to the events which befell him due to the secure prison atmosphere.

Mr. Timerman was arrested at his home by a score of civilian-dressed, well-armed, men, who were Argentine police officers. Then the long ordeal began, where the government tried in vain to substantiate the weak accusations that Mr. Timerman had been involved in some economic crime. The long, drawn-out events became what can only be described as a “Catch 22” situation, with the officials keeping Mr. Timerman locked-up until some situation that justified his arrest was discovered; the less that was “discovered,” the longer he remained under lock and key. I truly believe that this situation would have continued indefinitely had the plight of Mr. Timerman not been made the focal point for world opinion. During my visit with Mr. Timerman, I outlined my efforts in his behalf to date, and assured him that I would redouble these efforts in order to bring about his release.

Upon my return, I discussed this depressing case with the Argentina Ambassador to the United States. Additionally, I personally corresponded with the leaders of the Argentina Junta, and discussed this injustice with my colleagues on the floor of the House. I have kept the pressure of the Congress and the concerned public on the appropriate officials to facilitate the release of this individual. Last Friday, the word was that Mr. Timerman was about to be released, due in part to the Argentine leader; realizing that his continued cruel incarceration would only serve to injure the Government's relationship with the rest of the free world. Yesterday, I received the good news, Jacobo Timerman has been released. His year-long suffering, and that of his family, is about to end.

Mr. Speaker, however, I have also learned that the government is reportedly going to still persist in one act of continued cruelty. The latest information that I have received is that Mr. Timerman will remain under house arrest until the Government officially clears him of charges of economic crimes. This house arrest will place this persecuted individual in a highly dangerous position even with the security precautions the Government is instituting. Ever since his unsubstantiated arrest, Mr. Timerman has been the focus of numerous threats from the so-called right wing sympathizers. However, their attempts on his life have been frustrated due to the secure prison atmosphere.

However, it now appears that Mr. Timerman will not be allowed to leave the country, thus he becomes a walking target for these extreme groups. This situation must not distinguish the Argentine Government from all the economic accomplishments of the Government, as well as Mr. Timerman's own fate in serious jeopardy. By forcing Mr. Timerman and his family to remain in Argentina until the official public process of a hearing is completed by the Commission for National Patrimony, the officials are embarking on yet another form of injustice. I hasten to add that this situation will place the Argentina Government in the most vulnerable position, the same position Mr. Timerman will find himself in.

If anything regrettable should occur to either Mr. Timerman or his family, the consequences would be swift and punitive to the up-to-now promising future for Argentina. The test of any political stability and economic prosperity. I believe I can state with a high degree of confidence, that any injury that befalls Mr. Timerman and his family would reflect negatively on our perception and the resultant relationship with that country. Such a price is too high for one country to pay in order to protect one individual until he is “processed” merely for public consumption.

Mr. Speaker, I understand that the
docket for this hearing process is lengthy; however, I also understand that the exact order whereby an individual is scheduled to appear is flexible. I therefore implore his family to leave in safety, and if the Argentinian officials are so adamant in pursuing the public hearing procedure, that they schedule Mr. Timerman's hearing immediately, and allow him to leave the country and face justice.

The obvious, preferable answer to this volatile situation, is to forego the public hearing and allow Mr. Timerman and his family to leave Argentina. Immediately. Such a course of action will allow Mr. Timerman to elude the dangerous situation incurred by waiting for his hearing process to occur, and also would allow the Government of Argentina to avoid an explosive situation. Such a course of action would be to the best interests of both valid concerns.

Mr. Speaker, I implore the Argentine officials to utilize the rational approach to this situation. Nothing can be served by detaining this individual while the slow, bureaucratic clearance process works its inevitable will. The time has come for the responsible officials to realize the serious, explosive nature of this situation and to allow Mr. Timerman and his family to leave Argentina in the earliest possible time. Anything short of this prescribed humane action is not in keeping with Argentina’s pledge to return to it’s people their basic human rights. Only “ill” can be served by this continued delay.

Mr. Speaker, I look forward to reporting to my colleagues of the safe emigration of the Timermans. Such a speech will give me great, personal satisfaction that “justice” as we know it is slowly returning to that great—Argentina.

Thank you, Mr. Speaker.

NO REDUCTION IN STATUS OF MAIL DELIVERY DURING 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

Mr. CORCORAN of Illinois. Mr. Speaker, last Friday, April 14, our new Postmaster General, William P. Bolger, gave me some good news concerning the future of Saturday mail delivery.

In responding to may letter of April 3 regarding the future of Saturday deliveries, Mr. Bolger indicated that there will be no reduction in the present status of mail delivery during 1978, stating:

‘With the press of other important matters, Postmaster General Bolger took it upon himself to make clear to the public the costs associated with providing the level of service they want. In light of this, he indicated that the service levels established in 1976 are to be maintained in 1978 toward discontinuing Saturday mail delivery.

This is indeed good news. Postmaster Bolger’s thoughtful and prompt reply to my inquiry and the overall tone of his letter encourages me to believe that he is off to a good start in alleviating my concern for the postal needs of the American people.

This attitude, combined with the recently passed postal reform bill (H.R. 7700), bodes well for the future of the U.S. Postal Service. Action taken by the House on H.R. 7700, culminating in its passage on April 6, would return to Congress policy and fiscal accountability controls over the Postal Service. I hope the other body will move soon to address itself to the Postal Service and support H.R. 7700 substantially in its present form.

Mr. Speaker, at this point in the Record, I would like to share with my colleagues the aforesaid correspondence:


Mr. William F. Bolger, Postmaster General, U.S. Postal Service, Washington, D.C.

Dear Mr. Bolger: Congratulations on your recent appointment to the position of Postmaster General of the U.S. Postal Service. Your new position carries with it a great responsibility to the public. It was to serve the public that the Post Office Department and, most recently, the Postal Service were formed. In light of this obligation to meet the needs of the American people, I hope that you will reconsider your predecessor’s position regarding six day mail delivery.

In letter of June 2, 1977, this person the public has made clear their desire to see six day mail delivery continued and their unwillingness toward any proposed reduction in service. In a post card poll in my district, 89% of the respondents indicated that they would not accept five day mail delivery, and at the Saturday mail hearing in my district, people were unanimously opposed to eliminating the sixth day of delivery.

As a member of Congress, it is my obligation to make you aware of my constituents’ feelings. As Postmaster General, it is your obligation to be responsive to these feelings. I would greatly appreciate it if you would institute a new policy for U.S. Postal Service—a policy of responsiveness to public needs and support for six day mail delivery.

Sincerely,

Tom CORCORAN, Representative in Congress,
WASHINGTON, D.C., April 12, 1978.

HON. TOM CORCORAN, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CORCORAN: Thank you for your letter of April 3, concerning six-day mail delivery. I appreciate your good wishes on my appointment as Postmaster General.

I feel very strongly that we have an obligation to give the people and businesses of this country the postal service they want. It is their postal service, not mine. Likewise, it is also my responsibility to make clear to the public the costs associated with providing the level of service they want and what cost benefits would be obtained if certain changes in postal activities are made. Once these facts are known by the people and they elect to continue them, the savings involved then is up to the Postal Service to render this service and raise the mail to fund it.

It is this type of reasoning that caused me not to make a decision on the subject of service levels. As soon as I have had an opportunity to consider the (by Susan Jacoby)

IT’S THE PEOPLE WHO GET HURT AS NEW YORK TIGHTENS ITS BELTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman of New York (Mr. GREEN) is recognized for 5 minutes.

Within the next 2 weeks, the Subcommittee on Economic Stabilization of the House Committee on Banking, Finance and Urban Affairs is tentatively expected to markup the New York City Financial Assistance Act of 1978. Thus, in the administration’s draft proposal, the New York City Loan Guarantee Act of 1978. The exact schedule for the subcommittee will be influenced by assessment of the budgetary impact of existing and proposed labor settlements between the city and its unions.

Much has been written about the question of Federal assistance to New York City. Certainly, avid readers of the pages of the CONGRESSIONAL RECORD have had the benefit of many statements on the issue.

In the midst of the debate about labor contracts, loan guarantees, and pension funds, the human side of the New York City financial situation sometimes trends to get lost. Yet it is the individual on the street in New York whose life is directly affected by layoffs, transit cuts, and budgetary service reductions.

Ms. Susan Jacoby, D.D.S. of the 18th district which I represent, graphically captured this human dimension of the New York City fiscal crisis in an article which appeared in The Washington Post on April 16. In the interest of furthering understanding of the problems of New Yorkers face, I commend Ms. Jacoby’s observations to the attention of my colleagues.

IT’S THE PEOPLE WHO GET HURT AS NEW YORK TIGHTENS ITS BELTS

By Susan Jacoby

W. Michael Blumenthal, Secretary of the Treasury, Senator William Proxmire, Committee on Banking, Housing and Urban Affairs, Washington, D.C.

I see by my morning paper that New York City is, once again, in trouble with Washington. In a letter to our mayor, Mr. Blumenthal said New York has almost no chance of receiving loan guarantees from the federal government unless the city and its unions reach a "reasonable" labor settlement long before the expiration date of the union contract. This short-circuiting of the normal collective bargaining process is supposed to give Sen. Proxmire and his colleagues time to consider the loan guarantee legislation. Unfortunatley, the Department of the Treasury said he doubts Congress will approve the guarantees with or without a "reasonable" labor agreement.

Words like "outrageous" and "incredible" have been floating around Capitol Hill since the announcement of a tentative pact that left New York City's 250,000 postal workers a promise to pay raise over a two-year period, with the possibility of an additional 3 percent in cost-of-living in-
creases, to be paid for through increased productivity. No one is in a better position than the Secretary of the treasury and the chairman of the Banking Committee to realize that such a settlement will not even begin to keep pace with inflation.

According to the latest figures, New York is the third most expensive metropolitan area in the country (tied only by Boston and Atlanta). In the fall of 1976, the Burea set an "intermediate budget" for a family of four at $16,650. The comparable figure for Washington was $18,860.

In spite of what it costs to live here, New York's municipal workers—among the men and women who keep subways and buses running—are not the "highest paid in the nation." This accusation has been leveled so often and so loudly that it has achieved the status of a Big Lie.

In total compensation—which includes employer pension contributions, health insurance and overtime as well as basic salaries—New York bus drivers rank 8th among their counterparts in the nation's largest cities. Police officers and firemen also rank 6th, while computer operators rank 9th. The purge of the 1960s to take the "fat off the bone" of living into account, a New York bus driver ranks 16th and a computer operator ranks 22nd.

Let's take a look at the maximum compensation for an ordinary white-collar municipal worker—a computer operator—In 1967, the job with the highest compensation in the New York ranks 9th, with total compensation of $17,736. That includes an annual employer pension contribution, an equalized health insurance of $794. Just for the record, the computer operator receiving the biggest pension contribution and basic salary was, $4,901, works in Washington. His compensation totals $23,114.

Now, let's turn to the transportation workers. A small inconvenience? It might be a small matter she had to spend an hour at a subway stop where extra time spent waiting for a train means frightening extra exposure to crime. Sharon was especially scared because the guard in her local subway station was no longer on duty in the afternoon.

Then there are the cuts in the schools. Frank D'Amico is the principal of a Junior high school in Chinatown. "A little more than half of the students are children of immigrant families. As a result of changes in the federal immigration laws, a new wave of Chinese immigrants has quadrupled the population of Chinatown—from about 30,000 to more than 120,000—during the past decade.

Then there were the teachers. Around the turn of the century, when immigration was máximo, many of New York's oldest schools were packed to overflowing, and public education was often looked upon with disdain. The schools were overcrowded and underfunded, the buildings that were occupied by immigrant Jews and Italians 75 years ago.

Just for the record, Sharon, now 18, is black, bright and beautiful. She lives in the South Bronx, a destitute area that was (and is) bombarded with the "fire and brimstone" surrounding the debate over New York's fiscal crisis by Washington officials who ought to know better. According to this line of thought, New York has sinned and been wasteful and New Yorkers must cut gorging themselves in order to be saved.

I don't think this misconception stems as much from ill will as it does from an understandable difficulty the people of New York have had to understand that there could scarcely be two more different cities within an hour's shuttle flight from one another, one now a "big-time" city, the other a "bombed-out" city that has been a "mecca" for me by a conversation with a congressional aide before the April 1 transit strike deadline. I was trapped for about 15 minutes in a train beneath Lexington Avenue. The Lexington Avenue line, opened in 1904, is the oldest in the city; the wonder is not that the subway breaks down so often, but that it usually runs on time. As we were waiting for the train to lunch forward, a woman next to me began to cry. I thought at first that she was just afraid, a victim of the claustrophobia that hits some subway riders when a train is stuck.

But no, she told me, she was terrified that there was going to be a transit strike the next day. She lived in the Bronx and worked a 4 p.m. to midnight shift as a nurse's aide at a hospital, and a half hour after we arrived, she was going to be ridden off from her home. She wept, softly and said, "I'm supporting my three kids. How will I get there? What will I do if I lose a week's pay?"

The same sort of misconception that underlay the dangers of a transit strike has been spread by the overall fiscal crisis by most Washington analysts. Of course there has been (and continues to be) waste and mismanagement by the city—just as there is waste and mismanagement in federal agencies and large corporations. Bookkeeping gimmickry and utterly gross labor settlements under the administration of former mayor John Lindsay and Comp-troller (subsequently mayor) Abraham Beame were part of what led New York to the brink of bankruptcy at the end of 1974. The most important element in the crisis has not been as widely publicized. That is the steady decline in the quality of life for the middle class and for the "poor" who aspire to middle-class status for themselves and their children. The decline is related to a compounding interaction of federal, state and state policies.

To avoid going bankrupt during the past three years, New York has made major cuts in city services. Actually, the cuts have fallen most heavily on the middle class and have contributed to a continuing erosion of the middle-class population and the city's tax base. The cuts have not merely gotten rid of excess fat; they have sliced to the bone and muscle of ordinary working people. Only millionaires are unaffected by a budget crisis that has cut $50,000 jobs from the city work-force.

Let me tell you about the human reality behind the statistics. In 1975, I met a girl I will call Sharon Ambrose while I was doing a story on her high school in Queens. Sharon, now 18, is black, bright and beautiful. She lives in the South Bronx, a destitute area that was bombarded with help to bombed-out Dresden after World War II. It has long been the custom in this city for blacks to be second-class citizens, only an instrument of geographical mobility but a society that provides for the social mobility that is essential to any great city. Sharon did not want to go to the high school nearest her home: It was too full of junkies and kids who were, as she put it, "walking around like animals." So she chose to attend a school for the arts, where she got a better academic reputation. In order to get to and from the school, she spent approximately an hour commuting.

Between the beginning of the year and the spring of 1975, subway service was cut back 22 percent—a statistic which merely means crowded cars and longer waits between trains. For Sharon Ambrose, the subway cuts meant that she was going to the school by subway stop where extra time spent waiting for a train means frightening extra exposure to crime. Sharon was especially scared because the guard in her local subway station was no longer on duty in the afternoon.

This is not the sort of story that gets told at congressional hearings. A bright girl is working hard to get out of the South Bronx and into college; she has to spend extra time traveling to and from school; she is frightened by the loss of a subway guard. This is the "fat" that has been cut out of the subway system.

Do you gentlemen remember Frank D'Amico? He was the principal of a Junior high school in Chinatown. He was a new boy in town, and the classmates were interested in him—"Until the day he had simply left the city—

The teacher layoffs cast a particularly interesting light on what the budget crisis has meant to many millions of people in New York. Last year, new federal funds became available to hire back some of the teachers who had been laid off. So she chose to work in the schools of his old neighborhood. When I interviewed him in the summer of 1976, he had lost all but one of his Chinese-speaking teachers. He was dispirited, because he had encouraged his former Chinese students to return to the neighborhood and work with the new immigrant children. When layoffs began, the young Chinese-speaking teachers were the first to go. "We say to these kids, 'fulfill the American Dream, get an education, go to college, become somebody,'" he complained. "They say it's too expensive. They have said, 'Then they do all that, and they're working at a job that desperately needs doing.'"

The teacher layoffs cast a particularly interesting light on what the budget crisis has meant to many millions of people in New York. Last year, new federal funds became available to hire back some of the teachers who had been laid off but only 2,500 were interested in returning. The teachers' union did a survey and found that substantial numbers of those who were laid off had simply left the city—some of them for better-paying jobs in nearby suburban school systems.

Before I introduce you to another human casualty of the budget crisis, I must provide you with some facts about one of the greatest institutions this country has ever produced: the City University of New York.

Today it is difficult for us to imagine how revolutionary it must have seemed in 1847 for a city to establish a tuition-free college. Around the turn of the century, when immigration was máximo, and when this city was flooded with immigrants who could not afford to go to college or universities, the City University of New York was a revolutionary step. It was a free education for the children of immigrants, and it provided a laboratory for free higher education. Throughout this century, the free colleges of New York City have continued to make their point and give them a chance to become distinguished scientists, scholars and artists. In 1974, in spite of the fact that many of its entering
froshmen were the graduates of a deteriorating elementary and secondary school system, the City University was still fulfilling its historic mission.

The budget crisis has brought about an irreversible change. Tuition was imposed in the fall of 1976. $778 for freshmen and sophomores and $925 for juniors and seniors. Do those fees sound low? More than 74 percent of the enrollees come from families with incomes of under $12,000 a year. (Remember—that same year, the federal government spent $5 billion a year on an "impeccable" budget for a family of four in New York.)

Since 1976, student enrollment has dropped by nearly 28 percent. During the same period, part-time enrollment has fallen by nearly 50 percent. This is an extremely significant figure, because the City University has always had an unusually high proportion of part-time students who are working adults.

Although nearly two-thirds of the remaining City University students receive some tuition aid from the state, there is almost no money available for part-time students.

One victim of cutbacks and tuition is Alice Capraro, a 42-year-old mother of four. I have known Mrs. Capraro (not her real name) since 1973, when I was writing about the formation of a small feminist group in her neighborhood in Brooklyn.

Mrs. Capraro is a construction worker. She told me that she wanted to go to college and become a teacher. She was working about 80 hours a week with overtime, their children were growing up and he understood his wife's desire for her own career.

Then Joe Capraro got laid off. Unemployment in the construction industry — another product of the City's poor economic condition—is about 10 percent. Joe Capraro has been out of work for about half of the time during the past three years. Alice found a job at a social services agency to help pay the bills. She went on to college part-time because it was free, she loved her classes and she still wanted to be a teacher.

In 1976, when tuition was imposed, Alice Capraro had to quit college. The family income had dropped to $12,000 a year and there was no extra money for her tuition. Alice looked to the possibility of financial aid and found there was no money for a middle-aged woman.

"I was ahead all the time, just cheated," she says. "Joe was even ahead of me—" he saw how interested I was. It's like we were reaching for opportunity, but the hard work was willing to work, we couldn't have it."

It does not take a financial genius to figure out the dehumanization of such hopes evokes the initiative of people whose efforts are vital to any true economic restoration of this city.

At some point during the next month, Sen. Proxmire's committee will consider a proposal to provide long-term loan guarantees for students. The city's unions—which have kept New York from going bankrupt—are not the only institution that the city can count on to have its money to the assurance that they will get back. Millions of public workers are worried not only about losing their jobs but about losing their future pensions.

The city is not asking for a handout—it is not asking for a government bailout, but for a government backup while it puts in such a house in order. A long-term guarantee for city unions and the city that the city cannot do by itself: restore the confidence of state investors. I am sure there would be no contradiction in that backing if Washington, not New York, were running the economic life of the nation. But historic circumstances have dictated that we have two capitals—Washington for government, New York for finance and culture. It should be as unthinkable for the federal government to go bankrupt as it would for Congress to let the District of Columbia go bankrupt—as unthinkable as it would be for England to let London go bankrupt or for the Soviet Union to abandon Moscow.

The federal government has the right and the responsibility to demand strict accounting and better management in return for guaranteeing the city's notes. But I hope that city officials will not refrain from talking about "fall" in the city budget as though everyone in New York were a disillusioned voter or an undiscerning consumer.

Some of the budget cutting of the past few years has been nothing more than a new kind of bookkeeping gimmickry—this time at the insistence of Congress and New York state officials. When you cut 50,000 jobs from the city payroll, it is obvious that both the state and federal governments are spending a good deal of money for social security, unemployment compensation and welfare to support the people who have, as they say in bureaucratic jargon, been "excessed." The city and federal government are, of course, in the business of losing money and losing fewer, people are working. It's a vicious circle: cut jobs and services to the middle class and you lose an equal amount of money. But you speed up the loss of energy and money that is at the heart of the city's fiscal crisis.

I could go on, as bankers and city officials are prone to do, about the need to prevent New York from going broke because of the potentially disastrous impact on our image and our economic influence in the rest of the world. I could go on about the domestic economic consequences of collapse by a city that the rest of the country loves, hates and—above all—needs. I could go on about New York not being ready to take care of immigrants from the poorer areas of this country as well as from abroad.

All of these things are true, but they are not the main reasons why you should affirm the national government's stake in the survival of New York city.

You should do it because of Alice and Joe Capraro and Frank D'Amico and Sharon Ambrose. They are the kind of ambitious, hard-working people of this city. They deserve better from you (and from their own city and state officials) than they have been getting. Give them something better and they will help restore the stability and economic vitality of this incomparable city.

Sincerely yours, SUSAN JACOBY.

A CASE FOR ENERGY ALLOCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for five minutes.

Mr. WHALEN. Mr. Speaker, when Department of Energy representatives briefed Congress last week on the department's proposal for a standby emergency gasoline rationing plan, "few people noticed. Only a handful of Members or staff were in attendance, little press coverage was given, and frankly, it passed without much fanfare."

The proposed plan would go into effect in an emergency energy shortage—upon Presidential declaration and congressional approval. Eligibility for a ration would be based on motor vehicle registration records maintained by the state departments of motor vehicles. Car owners would receive an entitlement through the mail, which then would be cashed at a local bank for the actual coupons. State governments and the Department of Energy would receive ration reserves to be used in case of issuing hardship allotments.

The impetus for the rationing scheme is part of Public Law 94-163, the Energy Policy and Conservation Act, passed by Congress in 1975. Reacting to the then-recent Arab oil embargo, Congress decreed that the United States would have an emergency gasoline rationing plan ready to take effect should a similar crisis occur. The DOE proposal responds to that mandate.

Although the shock of the Arab embargo, and the shortages and disruptions that it caused are virtually forgotten, the tempestuous state of our energy dependence warns that the situation is not so distant. Violence in the Middle East, as we have seen so recently in Lebanon, could bring with it another cutoff of OPEC oil, which now supplies one-fourth of total U.S. energy demand. Such an embargo could come at any moment.

But the DOE plan is significant, not only for future emergency situations, but for its use right now to reduce U.S. oil imports, to stem our growing balance-of-payments deficit, to support our faltering economy, and to defend our national security at home. It is significant because it brings home the fact that rationing—or quotas, allotments, or allocation—is the most effective and most equitable means of reducing consumption.

I have favored, the "concept" of mandatory allocation as an alternative to energy price increases for a number of years. While this type of program is not included in the stalled National Energy Act, I still believe that if we are serious about conserving energy by reducing our usage, then rationing is the best way to achieve that goal. Rationing has three strengths.

First, it provides certainty in terms of quantities consumed. Inherent in a fuel rationing program is the assurance that an ascertained amount of fuel will be used.

Second, rationing is not inflationary since no price increases are mandated. The administration, past generations, and most economists believe that the DOE plan will not significantly contribute to inflation. Further, since mandatory allocations will effectively reduce our dependence on foreign petroleum, inflationary pressures will be eased.

Third, and most important, rationing will permit equitable distribution based on need, rather than ability to buy. No one with a conscience can argue with the idea of implementing a perfect rationing system in a nation with 200 million people and massive industrial output. But, of all the alternatives for controlling the energy crisis, rationing is the fairest.

The problem with gas rationing is its administration. Those who favor an allotment approach in theory, are taken aback by the rationing process. The university, a black market in stolen or counterfeit coupons, or rampant speculation on energy supplies.

The importance of DOE's new energy rationing plan is that it does deal with the administration of such a plan. And, progress has been made and
problems have been solved. Although the emergency proposal only provides a crude organizational framework, it does demonstrate that an allocation plan could be rationally implemented and likely could be fine-tuned to work effectively.

The standby emergency gasoline rationing plan is just that—for emergencies. It is to be utilized when the United States must forcibly cutback on consumption.

The question is how close are we now to that point? How long can America go on consuming unreasonable amounts of energy at high inflationary prices before we admit that it is, in fact, an emergency?

Historically, rationing has been used only during time of war or national crisis. Yet, President Carter has declared America's energy problem "the moral equivalent of war" and our dangerous dependence on foreign energy supplies with its damaging effect on the U.S. economy indicates that we have a crisis.

Today, the price of wheat in western Kansas will be worth its salt until it mandates reduced consuming plans like such a program. I argue they should be.

WHEAT GROWER PRESERVATION ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. SEBELIUS) is recognized for 5 minutes.

Mr. SEBELIUS. Mr. Speaker, yesterday, I introduced legislation entitled the "Wheat Grower Preservation Act of 1978." In Great Plains wheat country, the grain producer is still in the midst of the worst economic crisis since the Great Depression.

As I have indicated to my colleagues in the House, following the defeat of the emergency farm bill, the economic conditions that prompted the recent farm movement remains the real issue and the situation continues to exist.

Today, the price of wheat in western Kansas is $2.66 at the country elevator. At the same time, a farm management association within Kansas State University has determined the current cost of production between $3.07 and $3.46 depending upon the farmer's operation.

These figures are subject to considerable debate in farm country due to cost-of-production definition, evaluation and inflation problems. Sufficient to say, the market price for wheat remains depressed far below the cost of production and the situation has been made even more severe due to the current boxcar shortage resulting in grain price discounts to the farmer up to 15 cents a bushel.

Despite the threat of a Presidential veto in regard to the emergency farm bill, I believe the administration at least acknowledged this continuing economic problem when it recently told the Senate that an increase in the wheat target price would be acceptable. Mr. Speaker, at this juncture some help is better than none.

In addition, without additional assistance, the grain producer has no real alternative but to produce much more than he can sell. I have talked about grain reserve program. However, during the debate on the emergency farm bill what has been virtually ignored is that the reserve program is little more than a sophisticated form of price controls. As it stands now, wheat in the reserve can be released when the national average market price reaches $3.15. As far as estimates clearly show, that figure is well below what it costs many farmers to grow their grain.

For this reason, the legislation I have introduced would not only raise the target price and loan for wheat but also would raise to parity the price level at which reserves would be released.

I wish to point out that under the current system, the grain reserve release prices are tied to the price support loan level. As I indicated, in my bill the loan level is increased from the current $2.28 per bushel to $2.50. That would make the reserve release trigger $3.50 per bushel or at least close to cost of production estimates and it would allow hardness to be grown before the Government glutted the market with grain from the reserve.

In addition, my bill also raises the target price for wheat to 75c per bushel if the 1978 crop is 1.8 billion bushels or less and to $3.50 per bushel if the 1978 crop exceeds that figure. I believe these figures are in keeping with what the administration may accept.

Mr. Speaker, during the debate on the emergency farm bill many of my colleagues considered that legislation little more than an inflationary, consumer rip-off. I do not intend to "rehash" that debate except to say the worst enemy of the farmer is inflation. I do not think we can slow down and halt inflation by dealing with the farmer as though he were a whimpering boy. It has been the farmer who has suffered the most from inflation and whose economic problems are unprecedented.

I solicit the consideration of my colleagues in regard to this legislation. I wish to reiterate and underscore the fact the social and economic problems in farm country that brought the farmer to Washington in the first place have not gone away and over the short term will not go away without paying a tremendous human and economic cost that will have repercussions throughout our Nation.

CONSTITUTIONALITY OF CONTRIBUTOR DISCLOSURE DISCLOSURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, tomorrow when the House takes up H.R. 8494, the lobby disclosure bill, recently reported by the House Judiciary Committee, the Department of Justice is required to require registered lobbying organizations to identify their major financial backers; that is, those who contribute $3,000 or more annually.

Those who oppose this type of amendment have raised concerns about the constitutionality of such a contributor disclosure requirement. To me, these contentions are simply unsupported by the holdings of the Supreme Court. To provide a day in court for citizens with an understanding of the constitutional issues involved and why I very strongly believe that the type of contributor disclosure taking place in my bill was mandated by the criteria set out by the Supreme Court, I would like to place in the Record today immediately following my remarks a legal memorandum written by Kenneth Guido, the general counsel, and Ellen Block, a staff attorney at Common Cause.

The Constitutionality of Requiring the Disclosure of the Identities of Contributors to Lobbying Organizations

(By Kenneth J. Guido, Jr., general counsel and Ellen Block, staff attorney)

The Railsback-Kastenmeier amendment on disclosure of contributors to lobbying organizations requires the identification of each organization or individual who contributes an annual aggregate in excess of $20,000 in dues or contributions which was expended in whole or part for lobbying communications. The bills provide that lobbying organizations that meet the requirements of the Judiciary Committee bill, H.R. 8494, as lobbying organizations who spend for lobbying purposes more than one percent of the organization's annual income are required to disclose the identity of contributors. Even when the organizations qualify, the disclosure requirements may be waived by the comptroller General if disclosure would violate the privacy of the contributor's religious beliefs or otherwise impose an undue hardship or expense the contributor to compliance.

The Judiciary Committee Report on H.R. 8494, H.R. Rept. No. 95-1003, 95th Cong., 2d Sess., 51-53 (1978), expressed concern about the constitutionality of requiring disclosure of the identities of contributors. It is our view, however, that the Judiciary Committee's analysis of the constitutionality of requiring disclosure of the identities of large contributors to lobbying organizations contains three fundamental flaws:

1. The Committee incorrectly states the constitutional criteria for requiring disclosure of contributions to lobbying organizations.

2. The Committee makes an unwarranted distinction between making substantial contributions to lobbying organizations and supporting its lobbying efforts.

3. The Committee ignores Supreme Court and other court decisions upholding the constitutionality of disclosing the identities of contributors to lobbying organizations.

The Proposed Amendment Fulfills the

1 An organization is subject to the bill's registration and reporting requirements only if the organization is a law firm, consulting firm, independent contractor, or an individual who is not an employee of the retaining organization, and pays the retaining organization for lobbying services more than $2,500 in a quarterly filing period to lobby on its behalf; and (2) if one or more of the organization's own employees makes or oral or written lobbying communications on all or any part of each of 15 or more days in a quarterly filing period, or if two or more employees each make such communications on all or any part of each of seven separate days in a quarterly filing period. The organization spends in excess of $2,500 during the filing period to make lobbying communications.
Supreme Court's Criteria for Contributor Disclosures

The Committee Report states that requiring the disclosure of contributors to lobbying organizations "is unwise constitutionally and administratively." Are the reasons for this conclusion the language of the Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1976).

Unfortunately, the Committee's reference to this case is extremely misleading, as the quoted passages do not refer to constitutional limitations on statutes requiring the disclosure of contributors.

At pp. 52-53 of the Report, the Committee states that Buckley requires that "independent expenditure activities . . . required to disclose must have given contributions earmarked for political purposes or authorized or requested by a candidate, political party, or his agent and that money disclosed under the campaign law must be "solicited, given and expended for political purposes," while advocating the expenditure of contributions.

There are several other qualifications on Buckley at p. 52 of the Report. Although the disclosure requirement is limited to "major backers" of the lobbying organization, the Committee states that there was not a connection between the giving of money to a particular organization and the contributor's intent to influence legislation for which that organization might lobby.

The Committee, in focusing narrowly on Buckley's "'contribution' " to the major contributions to lobbying organizations like the American Civil Liberties Union, has consistently found to be constitutional.

The Committee has expressed concern that "there is no rational relationship between the mechanical formula used to trigger disclosure and the purpose that disclosure in general is supposed to serve: the disclosure requirements in the 1946 Federal Regulation of Lobbying and the enforcement thereof . . . ."

Unfortunately, Buckley, while holding that the lobbying organization, the Committee believes that the giving of money to a particular organization and the contributor's intent to influence legislation for which that organization might lobby is constitutional.

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Amendment rights of speech and petition. Similarly, in upholding campaign finance disclosure requirements in *Buckley v. Valeo*, the Court noted the minimal threat to First Amendment rights inherent in disclosure statutes, but nevertheless acknowledged that

"[D]isclosure requirements ... appear to be the least restrictive means of curbing the evils of campaign ignorance and corruption, and potential disclosure and those served by lobbying affected by the amendment. Contributors to disclosure of significant contributors to must be revealed. While large contributors attempting to change community sentiment effects of disclosure than are small contribu...
right to keep and bear arms. Letters should be addressed to Mr. Rex D. Davis, Director, Bureau of Alcohol, Tobacco and Firearms, 2300 Constitution Avenue, Washington, D.C. 20226. Before writing, I would encourage all citizens to examine the fact sheet on these regulations which follows my remarks. Presently, the Treasury has issued the fact sheet, Legislative Action of the National Rifle Association, the fact sheet demonstrates that the proposed regulations will only cost the taxpayers more millions of dollars while doing little to improve existing crime fighting capabilities among our law enforcement personnel.

The fact sheet shows:

NRA FACT SHEET—TREASURY DEPARTMENT
PROPOSED FIREARMS REGULATIONS

The U.S. Department of the Treasury has published regulations (March 21 Federal Register) establishing a national computerized central firearms registration system. The regulations, if allowed to go into effect, would require the recorded dispositions of all firearms within existing Federally licensed commerce to be reported quarterly to the Bureau of Alcohol, Tobacco and Firearms. The system would cover all dealer sales to individual citizens, as well as all transactions between manufacturers, importers, exporters, wholesale merchants, jobbers, distributors and dealers.

Based on BATF estimates of the 5.2-million nationwide firearms commerce in fiscal year 1978, Treasury estimates that an average of four transactions occur before a dealer sale to an individual citizen occurs, the reporting requirements would conservatively total at least 25-million separate computer entries. When used firearms are included in the equation, the number of firearms sales during which a registration is required would be computerized would total between 35 and 40 million.

The system would require 600,000 quarterly reports yearly from 172,000 holders of Federal Firearms Licenses. BATF estimates that the paperwork costs to dealers would be $85-$100 million yearly.

The Treasury Department claims that the startup cost of this massive system would run about $5-million, and, according to Assistant Secretary Richard Davis, funding would neither have to be appropriated nor authorized, but would simply be "re-directed" from existing BATF funding.

However, that $5-million estimate does not begin to cover the additional registration costs. BATF Director Rex Davis has previously estimated a national handgun registration system would cost $85 to $100 million startup cost, followed by $20-million per year in operational costs. This proposed registration by regulation would cover all firearms—rifles, shotguns, and handguns.

In both the March 16 Congressional and public meetings on the proposals, Richard Davis, Assistant Secretary of the Treasury, declared that the regulations would give BATF authority to record the unique and "unique" serial numbers of all firearms with the number of all firearms manufactured after the regulations are placed in effect. The BATF could computerize information as to make, model, barrel length, caliber and individual number of all firearms. With this information, the Treasury Department could locate the purchasers of firearms or any other persons of interest to firearms control bureaucracy by this authority.

This proposed regulation—whether called registration or reporting—amounts to the same thing: centralized national firearms registration. It is the very clear policy of the National Rifle Association that we are unilaterally opposed to firearms registration at any level of government.

(Printed in the March 21 Federal Register, the proposed rules are open to public comment until May 23, 1978. Comments must be submitted in duplicate to: Treasury, Bureau of Alcohol, Tobacco and Firearms; Washington, D.C. 20226; Attention: Regulations and Procedures Division.)

DICKEY-LINCOLN SCHOOL LAKES HYDROELECTRIC PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentle­man from Maine (Mr. COHEN) is rec­ognized for 15 minutes.

Mr. COHEN. Mr. Speaker, one of the most important decisions facing the Congress this session is to decide the fate of the proposed Dickey-Lincoln hydroelectric project. As many Mem­bers of the House know, this project has a long and controversial history dating back to 1965 when it was initially authorized.

The Army Corps of Engineers and the Department of Energy have now filed the long-awaited draft environmental impact statement on Dickey-Lincoln. These extensive documents clearly provide the Congress with the requisite information upon which to base an informed and responsible decision on the project. The draft environmental impact statement demonstrates beyond question that the projected benefits of building Dickey-Lincoln are far outweighed by the environmental, economic, and social costs of the project.

On April 12, I appeared before the House Public Works Appropriations Committee and, while I do not have the final cost of further funds be provided for Dickey-Lincoln. I am inserting my testimony in the Record so that each Member of the House will be fully apprised of my reasons for the rejection of an additional appropriation. My testimony follows:

STATEMENT OF CONGRESSMAN WILLIAM S. COHEN

Mr. Chairman and Members of the Sub­committee, I appreciate this opportunity to comment on the President's budget request for fiscal year 1979. I would like to begin by reviewing the history of the Dickey-Lincoln School Lakes hydropower project.

As the members of this subcommittee know, the project has an extensive legislative and controversial history dating back to 1965 when it was initially authorized. Post­War planning for the construction of the project were initiated in late 1965 and con­tinued until late 1967 when activities were terminated due to lack of additional appro­priations. A total of $2,154,000 was spent on this earlier effort.

In 1974, the energy crisis stimulated re­newed interest in the Dickey-Lincoln project. With the support of this subcommittee, Congress approved funds for resuming planning and construction. Since that time, $6,640,000 has been appropriated for the project, with the bulk of these funds ear­marked for the completion of an environmen­tal impact statement (EIS) as mandated by the National Environmental Policy Act of 1970.

Separate draft environmental impact state­ments (DEIS) have now been filed by the Army Corps of Engineers and the Department of Energy. With this information in hand, the Congress is now in a position to make an informed and responsible decision on the future of the controversial project. I fervently hope that the decision will be to terminate the project by rejecting the Administration's budget request for $5,000,000 for advance engineering and design, as well as any future requests for funding.

Mr. Chairman, the case against building the Dickey-Lincoln project is overwhelming. An objective review of the draft environmental impact statements can only lead to one con­clusion: the economic, environmental and social costs of the project are too severe to jus­tify its construction. Let me catalog for the subcommittee some of the project's most sig­nificant adverse impacts:

Construction of Dickey-Lincoln would se­verely affect the forest resource base of Maine. Nearly 111,000 acres of prime forest land would be taken out of commercial produc­tion, and another 1,940,000 acres would be ef­ficiently isolated from Maine by the lake created during construction. One report esti­mated that the extraction of Maine's forest economy as a result of the Dickey-Lincoln project would approach $1 billion.

278 miles of free flowing rivers and streams plus 30 lakes and ponds would be perma­nently altered by the project. According to the Regional Administrator for the Environmental Protection Agency, "there can be no more profound alteration of a free flowing river system than to impound 297
miles of its most significant reaches under 86,000 of flat water. The ecological and recreational values would be replaced by an impoundment." The Regional Administrator also correctly noted that the excellent brook trout fishing in the project area would be eliminated, and the wildlife under the impoundment totally destroyed. Finally, the watersheds would be permanently altered from a high quality fishery and national recognized wild river canoeing resource to a flat water lake with an unattractive shore line.

An estimated 161 families and 16 commercial enterprises would have to be relocated as a result of the project. Unavoidable economic, physical, psychological and social hardships would be incurred, and a drastic change of community which now exists in the affected area.

The decision of Dickey-Lincoln would have a major lasting negative effect on the esthetics of this distinctive region. The visual quality of this portion of the St. John River Valley would be lost forever. The effects of construction would scar the region permanently.

Natural resources of the region would be adversely affected by the project. Salvage of known archaeological and historical sites would have to be done to relocate them. In addition, it is possible that municipalities which expand services to meet short-term needs might be compensated for these efforts. This could spell a tax increase for the permanent residents of the area.

According to EPA projections, the water quality of the impoundments will be poorer than that of the river and other comparable lakes in Maine. It is probable that federal water quality standards will occur both during and after construction.

Critical to these findings are, there are additional factors which lead me to conclude that we should pursue other less costly and less damaging alternatives than the Dickey-Lincoln project. Not the least of these factors is the economics of the project.

At March 1977 price levels, the minimum federal cost of doing the job and completing Dickey-Lincoln would be roughly $757.5 million, using a 3 1/4% interest rate which is clearly unacceptably high. In fact that the cost of money for projects such as Dickey-Lincoln now approach 7%, coupled with the inevitable inflation and cost overruns which would occur during construction, it is unreasonable to conclude that the project, if built, would cost the federal government as much as $1 billion. For $1 billion, the federal government would be building a project which will provide only about 1% of New England's power needs in the middle of the next decade. By anyone's definition, that's mighty expensive energy. It is also a gross misapplication of federal tax dollars--dollars which are becoming increasingly scarce.

Mr. Chairman, it is particularly crucial that the impressive-sounding figures about the economic benefits of Dickey-Lincoln's energy potential be carefully scrutinized. According to the draft environmental impact statement prepared by the Administration, the estimates that the project will have a combined capacity potential of 757 megawatts and 1.3 billion kilowatt hours of energy annually. But in fact, the sites have the potential to save Maine consumers tens of millions of dollars in energy costs each year again without the massive destruction Dickey-Lincoln could cause. Our great forests in Maine and New England are yet another untapped source of energy for both home consumption and for power plants. In Passamaquoddy Bay, we have the best location for a tidal power project in the United States.

Clearly, we do not face a choice of Dickey-Lincoln or nothing. We have viable alternatives which will preserve the natural resources options of future generations, rather than being a sacrifice to the energy needs of today's society.

Mr. Chairman, in approving the necessary funds to complete the environmental impact statement on Dickey-Lincoln, the Congress fails to assume a responsibility to the people of the United States for the right day in court. We have now fulfilled this obligation, and it's time to be more critical of the funding decisions made by the President for Dickey-Lincoln are not needed to complete the environmental impact statement. To the contrary, these funds represent the initial commitment to construction--an action which is opposed by a majority of Members from New England.

Mr. Chairman, the citizens of Maine and New England expect and deserve a final decision on Dickey-Lincoln this year. No other studies are necessary, nor are they justified. The evidence has been presented, and the project has been found wanting. It's time to terminate Dickey-Lincoln and direct our attention to developing alternatives which are affordable and responsible. I look forward to working with the Members of the subcommittee in this critical effort.

THE CONTINUING DANGERS OF UNILATERAL DISARMAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentle­man from Florida (Mr. Skelton) was recognized for 30 minutes.

Mr. SKELTON. Mr. Speaker, last November 1, I took 30 minutes of the time of the House, and I submitted an amendment to the fiscal year 1978 defense budget in the Congress to visualize the dangers of unilateral disarmament.

At that time there was much concern and trepidation over information reported in the media concerning the levels to be proposed by the administration in the defense budget for fiscal year 1978. Since that was to be the first defense budget submitted by President Carter, it was, viewed, and probably appropriately so, as a benchmark in gauging the direction of our defense capabilities for the next 4 years. At that time, the official proposals had not come to Congress. I reported my concern, however, at the low levels which the administration was expected to propose.

Just before the end of the year, Congress was given the administration's proposed budget for defense. In the view of many of us, as I have concluded, it was even worse than the reports. Statements prior to and since its release that the administration would maintain a 3 percent growth rate in defense spending simply cannot be substantiated. This budget does not meet that goal--and 3 percent would be insufficient. In real terms, it increases spending for national defense by 2.7 percent, very little of it for modernization and procurement of weapons. People costs are the principal ingredient. In the words of the present Secretary of Defense, "the fiscal 1979 proposal is austere but adequate defense budget."

Austere is an optimistic word for this proposal. It is suggested on other occasions, however, perhaps it is not sufficient to analyze a defense budget, or any program, on the basis of funds allocated in previous budgets. It is more proper to pass on proposals of the goals this Nation seeks and the commitments it must keep. We must have a national defense program adequate to meet the standards necessary to insure our security. Those standards, in
turn, can only be assessed on the basis of the threat to our national security from nations that seek world domination or world leadership. The only way we can do this is to develop defenses that are more compatible with theirs. Obviously the only real threat now is by the Soviet Union. An assessment of its capabilities, its improvements in technology, in material, in munitions, and in weapons Russia should be a fair indication of what our Nation must do to meet the threat. As I said in my statement of November 1, "We do not need to keep step-for-step pace with Soviet military expenditures," but we must insure that our ability to protect ourselves both physically and economically is maintained.

Has the Soviet capability lessened or been enhanced? Have their outlays for armed forces been reduced? Everyone knows the answers. In the past 5 years alone to the Soviets have achieved rough equivalence in strategic forces with the United States. In the past 2 decades the Soviet Union has virtually doubled its military budget, and that is a rate which will probably be 1.5 percent of the GNP, while ours has decreased to a level lower than it was 18 years ago. Years ago defense capability was a major factor in a Government. Inferior technology. By the Russians. Heretofore the major factor keeping the United States in a position of superiority, is rapidly achieving comparability with our own. A report in U.S. News & World Report recently assessed the statement which Dr. William Perry, Under Secretary of Defense for Research and Engineering, made to the Congress on United States-Soviet technological comparison. The overall conclusion of the Pentagon study was that "our qualitative lead may have declined to the point where, in some cases, it may not offset the Soviet numerical superiority." Those areas where the Russians presently equaled or have surpassed the United States include: surface-to-air missiles, ICBM throw-weight, antimissile missiles, infantry combat vehicles, chemical warfare, antiship cruise missiles, mine warfare, and the survivability of command/control/communications systems.

Given all of these factors, certainly well known to the President and the administration, what does this present defense budget propose to accomplish vis-a-vis the Soviet buildup? In positive areas it proposes to beef up the NATO forces to a slight extent, adds substantially to the Army side, begins procurement of the XM-1 tank, calls for continued procurement of the F-14 air superiority fighter. Overall aircraft procurement is up about 15 percent. I think that is a step in the right direction. The total lack of commitment to a Navy superior to all others on the oceans of the world. Instead of 30 ships as envisioned, we are left with 15. This is a direct result of the Administration's disinterest in our country. Therefore, I applaud the President for his forthright stand. Regrettably, it is one that is long past due. It is one which the American people expressed in the current Defense budget, nor in the Defense budget for last year. Nevertheless, if vigorously followed through by appropriate action in the Administration and in Congress, it will again place our nation in position to earn the respect of the free world and to provide the leadership which is so desperately needed. Expanding areas of communist control throughout the world must be contained. It must be stopped.

The President's statement got the attention of the Soviets. It is language they understand. It is language they believe. The Soviet News Agency Tass demonstrates their concern about the ability of the U.S. to be able to defend itself more effectively. The strength of that is its willingness to use procedures more effective than the meaningless notes which heretofore have been our characteristic response to Soviet aggression.

It is also very important that specific proposals for strengthening America's military capability be made in Congress. The airplanes that school children manufacture from note paper are not formidable weapons. Speeches not backed by action are like paper airplanes.

Unfortunately, the Nation had to wait less than 1 week to find whether the President would back his words with action. Congress, with 29 amendments, administration revealed the long overdue 5-year shipbuilding plan. It was intended to provide executive guidance to the Congress and the Nation on where our shipbuilding program is to be directed. To recapitulate, this year's budget proposal had cut shipbuilding in fiscal year 1979 from 29 or 30 ships to 15. In tough questioning the congressmen told congressional committees that while this year's plan is lower than he would have preferred, it is a 1-year plan which he can live with. Asked about future years, the Secretary made it clear that additional years must see an increase in the shipbuilding plans. The number for the next budget has been estimated at 36 ships. Why not 30 this year? It takes years to build a modern warship. The administration's 5-year proposal? It will cut in half the Navy's previously stated requirements.

It is many experts who feel this program would reduce the Navy's ocean-controlling capability to a coastal protection role. In the face of an unabated Soviet shipbuilding program, an annual plan would provide 76 ships instead of the 156 envisioned by the Navy as critical to their needs. It reduces a previous goal of an 800-ship fleet in the 1980's to one of approximately 550 ships by the mid-1980's. There simply is no way to describe the plan as "adequate and realistic" or to feel that it would improve the Nation's ability to adequately deal with the Soviet threat. Fortunately, there are strong advocates of a more adequate program. They will provide more realistic plans when asked by the Congress for recommendations on the 5-year plan.

This is much more than a disappointing period for those of us who view the increasing Soviet threat with serious concern. It is a time when the question the direction in which our defense capabilities are proceeding. One only has to review the lessons of the past four or five decades to see where this Nation found itself in the not too distant future. World War I was described as the "war to end all wars." A generation of Frenchmen had perished in the conflict with Germany. No one in his right mind wanted to go through another war like that one. Yet, during the period of time from the signing of the Treaty of Versailles to the year 1939, power in Germany by Adolf Hitler, the allied nations had ample opportunity to prevent the second holocaust. But beginning with the peace treaty itself, the Allied nations allowed themselves and the world to be duped into believing that continued reticence in providing adequate armed forces would somehow invoke the same action in Germany. This policy of appeasement ultimately caused one. The delusion that peace is built through unilateral disarmament and the belief that opposing forces will show similar restraint is ludicrous. Nations throughout history have been described to such a view and survived.

Winston Churchill provides an unmistakable lesson of the results of such folly in his incomparable narrative of World
War II, the first book of which is "The Gathering Storm." In describing the inactivity of the allies toward the continued German buildup, together with its devastating effects, he wrote:

There can hardly ever have been a war more easy to prevent than this second Armageddon. I have always been ready to use force in order to defy tyranny or ward off ruin. But had our British, American, and Allied affairs been conducted with the ordinary common sense usually associated with recent households, there was no need for Force to march unaccompanied by Law; and strategic surprise would have been possible. Rushes of FBI material would have been made against the wealthy with little risk of bloodshed. In their loss of purpose, in their abandonment even of the themes they most sincerely espoused, Britain, France, and most all, because of their immense power and impertinence, the United States, allowed conditions to be gradually built up which led to the very climax they dreaded most. They have only to repeat the same well-meaning, shortsighted behavior towards the new problems which in singular resemblance confront us today. It continues the same conversion from which none may live to tell the tale.

Commonsense today must tell us that our situation is deteriorating. When the Chairman of the Joint Chiefs openly questions our ability to defend our interests, we have no need to wait until the Soviet Union ceases the escalation of the arms race, the United States must insure that our Defense Establishment is capable of maintaining our national security. Our forces must be adequate without question. They must be able to carry out and support our policies in all areas of national interest. Today's defense policies are invitations to disaster, perhaps not tomorrow or the next day, but somewhere in the years ahead, and not too far ahead.

John F. Kennedy summarized our national defense needs quite well:

The primary purpose of our arms is peace, not war—to make certain that they will never have to be used—to deter all wars, general or limited, nuclear or conventional, large or small—to convince all potential aggressors that any attack would be futile—to provide backing for the legitimate aspirations of other peoples—to insure the adequacy of our bargaining power for an end to the arms race.

It is highly regrettable that we continue in these dangerous times to be confronted by the dangers of unilateral disarmament.

**FBI MISCONDUCT**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized from 5 minutes.

Mr. GONZALEZ. Mr. Speaker, back in 1964 most Americans probably thought of the FBI as the protector of a straightforward and incorruptible organization. This was the image that was portrayed on the television screen in the "Men in Black" program that was produced with the active cooperation of the FBI. Director Hoover and his staff were careful to assure that the TV program always portrayed his "FBI" straight! or forward and uncorruptible or clean, kind, courteous, brave—and not least, well-dressed and cleanshaven.

But the truth was that the FBI was Hoover's private empire, and if he did not get the conclusions he demanded, there was a fearful price to pay. If Hoover thought that it was midnight at noon, we believe he was indeed an individual who dared tell him otherwise.

So it was that in 1964 Hoover finally received a contrite memo from William Sullivan, who proposed a program of action to discredit Martin Luther King and replace him with some "suitable" leader acceptable to the FBI. This was to be done by Hoover's moral integrity, which was the foundation and basis of his whole movement.

Hoover replied, "I am glad to see that the 'light' has finally, though dismally delayed, come to the Domestic Intelligence Division." Hoover insisted that, "I struggled for months to get over the fact that the Communists were taking over the racial movement." * * *

Eleven months later the FBI mailed an anonymous letter to King, which was nothing more nor less than old-fashioned blackmail. This letter indicated that the sender had information about the King that would destroy him; King read it as an invitation to suicide.

But Hoover was not just interested in King; he wanted to know everything about anybody who took part in or supported the civil rights movement.

For instance, on the afternoon of November 2, 1964, the San Antonio FBI office sent a teletype marked urgent to Hoover, himself. What was this urgent message? It was this:

On night of November 1 last (deleted) East Side politician and active CORE member in San Antonio, Texas, held open house honoring Congressman Henry B. Gonzales (deleted).

This was also routed to Sullivan, who at that time was heading up Hoover's blackmail campaign against King. Further, this teletype was reduced into a memorandum which the FBI marked "Confidential" and either distributed or intended to distribute to other agencies. The evidence that it was in fact distributed is persuasive—but to whom and for what purpose I can only guess. But I believe we can conclude that anyone who was to receive this document was trusted with information that the FBI did not want to be seen by the wrong eyes.

It was crazy for the FBI to use its resources in such a way, when it should have been concentrating its efforts on the real threat to public safety, but that is clearly what happened. The FBI mindlessly obeyed the dictates of the Director, who could do no wrong, and who had no master save his own ambition. In fact, I have received and have read from files filed in my possession that the FBI misfiled and deleted the slanderous references to me. I have renewed my request with the new Director, and include that request with my remarks.

_Henry B. Gonzalez_, Member of Congress.
DEFENSE PROCUREMENT: A FIRST-CLASS RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

Mr. CHARLES H. WILSON of California. Mr. Speaker, this year it is my pleasure to co-sponsor, along with local chambers of commerce, a Federal procurement conference designed to acquaint business men and a woman in the Los Angeles area with the opportunities available to them through buying and selling to the Federal Government.

Featured at each conference is a prominent guest speaker who brings his own particular expertise and knowledge in the area of industry and Federal procurement procedures. This year, it was an honor to have as guest speaker, Dr. Allen E. Puckett, president of Hughes Aircraft Co. Dr. Puckett is a well-known and highly respected member of the industry. He has occupied key management positions with Hughes for nearly three decades and has been honored on several occasions by his peers in the aerospace community. I am pleased today to submit for the record a copy of Dr. Puckett’s remarks at the conference. In addition, I would like to particularly make note of his comments on the success of defense procurement.

As he mentions, defense procurement is often cited as unnecessary and wasteful Government spending or as excessive profits for the defense industry. However, in comparison to other industries, aerospace and defense can take a great deal of pride in the strides they have made in the past 20 years.

The superior technical accomplishments of those years have not only strengthened our national defense effort, but have contributed to the economy, as well. My colleagues in the House and Senate have spent much time and effort in the procurement process. Dr. Puckett’s perspective on Federal procurement is sometimes lost in criticism of the defense industry. There is a need for greater reliability in complex assignments ever undertaken in our modern society. We have come to expect as a way of life the establishment of technical goals which are at the same time both precise and impossible. We undertake as a normal procedure the incredible process of scheduling inventions, building, testing, and correcting something that no one really knows how to do at all.

Let us look at a few of the achievements of the last 20 years—mind-blowing accomplishments which not too long ago were literally presumed by many wise men to be impossible.

At the end of World War II, the Germans had a crude ballistic missile with a range of a few hundred miles and almost no accuracy worth mentioning. In contrast, our ICBMs fly thousands of miles across the ocean and arrive at a designated target with incredible accuracy. At the end of World War II, no aircraft had flown at supersonic speeds, and the “sound barrier” was still a mystery. Today, we have operational aircraft routinely flying at supersonic speeds. At the end of World War II there were a very few operational electrical computers—slowly clumsy and expensive, using vacuum tubes and large amounts of power. Today, almost every device that we build for military use has an electronic computer imbedded somewhere in its inides. The computer may help guide an ICBM, or control and monitor, or compute and control the functions of a communications system. You and I can buy a pocket-size electronic computer which provides essentially all of the functions of a roomful of computer equipment in the 1950s. Our pocket computer is about 100,000 times smaller, 10,000 times cheaper, and 10,000 times more reliable than that computer of the 1950s.

In the 1960s, the only satellite we knew of was the moon. Today we have literally hundreds of satellites in orbit around the earth—scientific communications, observing the weather, and atmosphere, providing a wide variety of things on the surface of the earth. We design these satellites to operate for a period of years in space—with no opportunity to make repairs or replace parts. Where 25 years ago we were limited to a small, pocket calculator, today it is a commonplace part of our everyday life.

The great pressure for technical superiority has led to all of these achievements in the defense area—as well as to many more. The technological advances that have emerged in these various programs have also found their way into many aspects of the civilian economy, and indeed have created an impressive improvement in the standard of living. All of these accomplishments and useful results have come out of the operations of our Federal procurement system, and indeed the complexity of the problems they have imposed on us increasingly difficult standards of quality and reliability in every way. We must continue to meet these challenges and, in many cases, to create new challenges.

The speech follows:

FEDERAL PROCUREMENT

(By Allen E. Puckett)

Each year this symposium on Federal Procurement, sponsored by Congressman Charles H. Wilson, presents a remarkable opportunity for the business people of this area, who are often large and small, to meet and exchange ideas on their problems and their opportunities. You have been, and will be, exposed to a large amount of detailed and technical information on the problems of doing business with the Government. I doubt many of you feel as I do—that I wish doing business with the Government were not so complex. I wish there were fewer rules and regulations—so many forms and reports to fill out. If anything else is equal, we might even prefer, one would think, doing business with the Government rather than the other. But everything else is not equal, and doing business with the Government, particularly in the area of national defense, offers some very remarkable opportunities for a very satisfying and rewarding participation in a very special segment of U.S. industry.

This year’s symposium also presents an opportunity to look philosophically for a moment at the nature of the procurement system, and at the role of both industry and Government in that process. The magnitude of the procurement task is indeed enormous by any standards. The Defense Department procurement, which constitutes the largest category of the defense budget in the 1979 budget. I should really add to that the research and development budget of $12 billion, which is the other type of procurement, making a total of $44 billion. The only industry in the country which exceeds that volume is the automobile industry—and not by much.

The dollars that are spent in this procurement program are taxpayers’ dollars—your taxes. They are managed and appropriated by members of Congress—such as Charlie Wilson, who plays a very special role as a ranking member of the House Armed Services Committee. These men, and in turn the officials in the Defense Department who work with them, are the keepers of the spending fund. They have the awesome responsibility to protect the public interest. They must not only get the best for every dollar, but they often have the incredibly difficult task of making the selection of which programs are the highest priorities in the best interest of national defense and within an affordable budget.

It should be noted, therefore, and indeed as taxpayers we should welcome the fact that the Federal procurement system is a target of constant scrutiny by an endless variety of committees, panels, various agencies of the Government, as well as self-appointed official critics. We have had one after another blue ribbon panels, committees on Federal procurement, and similar groups, each of whom has wrestled conscientiously and agonizingly with the problem of devising a perfect and foolproof system of managing Federal procurement. It should not be surprising that each new group or committee discovers some better way to do the job, and invents a slightly different system. Each system, of course, involves rules and procedures that must be followed, such as be filled out, checks and balances to minimize errors in judgment and to insure that the Government gets its money’s worth.

This intensive and completely appropriate effort to protect the taxpayer sometimes creates misconceptions about the appearance or the suggestion that the procurement system is in trouble. There are critics who lose no opportunity to allude to “wasteful Government expenditure” on the one hand, or “enormous and excessive defense industry profits” on the other hand. We hear references to the “military-industrial complex” as though this were some evil team of conspirators determined to fleece the American people. I think, to correct the record, and to look at the real facts regarding the industry in which we are engaged.

The fact is, in my opinion, that the Federal procurement system, particularly in the defense area, has been remarkably efficient and effective. In order to reach such a conclusion, we must examine the results in relation to the nature of the job to be done. We must not expect a perfect solution. Who, in 1945, imagined that a wheat farmer or a librarian or a printer could understand the science of activist defense procurement or a computer and design of the earth. We design these satellites to operate for a period of years in space—with no opportunity to make repairs or replace parts. Where 25 years ago we were limited to a small, pocket calculator, today it is a commonplace part of our everyday life.

The pressure for technical superiority has led to all of these achievements in the defense area—as well as to many more. The technological advances that have emerged in these various programs have also found their way into many aspects of the civilian economy, and indeed have created an impressive improvement in the standard of living. All of these accomplishments and useful results have come out of the operations of our Federal procurement system, and indeed the complexity of the problems they have imposed on us increasingly difficult standards of quality and reliability in every way. We must continue to meet these challenges and, in many cases, to create new challenges.

Other results have emerged that are less visible, but no less important. As military technology has become more complex, so has the need for greater reliability in complex equipment has multiplied accordingly. The fact, the American industrial community has undertaken more difficult tasks with better results. The fact that the national defense procurement program is that the very nature of national defense presents the most difficult problems of human capability and ingenuity to solve. Our objective is to preserve the security of the United States, and that requires that our means and methods of defense must match or exceed the best that our potential enemies may possess. This is truly a competition that cannot be based on sound, but must be based on a record which will not necessarily be won by vast expenditure of money and material, though such will surely be involved, but rather by the demonstration of superior ingenuity and technical skill. As a result, the defense industry has been challenged to perform some of the most difficult technical assignments ever undertaken in our modern society. We have come to expect as a way of life the establishment of technical goals which are at the same time both precise and impossible. We undertake as a normal procedure the incredible process of scheduling inventions, building, testing, and correcting something that no one really knows how to do at all.

Let us look at a few of the achievements of the last 20 years—mind-blowing accomplishments which not too long ago were literally presumed by many wise men to be impossible.

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DEFENSE PROCUREMENT: A FIRST-CLASS RECORD

April 18, 1978

CONGRESSIONAL RECORD - HOUSE
of our equipment today is far beyond our wildest dreams of the 1950s. The new methods of manufacturing, quality control, and transportation have superceded these high standards in have in turn reflected into new higher standards and better products. We have, of course, In this industry had our share of mistakes. We have occasionally attempted to be one at all, or for which the technology was not yet ready. We have occasionally been overly optimistic in predicting cost. I do not excuse or condone our mistakes—but I suggest that if we did not occasionally overreach, we might have little high enough.

As another measure of our performance, perhaps we should look at other more conventional industries and inquire what they have achieved and how they have performed in the same time period. Let us consider the housing industry—home construction, for example, which is a subject familiar to all of us. I do not detect any dramatic breakthroughs in the last 20 years—in fact, home construction has stayed pretty much the same. One even has heard much comment as "They don't build houses like the used to." And that does not mean that they are better today. When we come to examine what we build today, today will describe to you at great length how completion was three to six months behind schedule, and prices were not as anticipated. And yet the house contained no new inventions, no surprises, no item of defense procurement. And we all should listen. Members of the Disabled American Veterans, Commander Meadows recently issued the DAV magazine to all members of his organization. I have written to the Administration after another insists on shrinking the system's size and capability. I find the VA's arguments that these bed

VETERANS ARE CALLED TO ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. CARNEY) is recognized for 5 minutes.

Mr. CARNEY. Mr. Speaker, there is no man in the country more knowledgeable about veterans' needs, the laws concerning veterans' benefits and the Department of Veterans Affairs, than the national commander of the Disabled American Veterans, Oliver E. Meadows.

As staff director of the House Committee on Veterans' Affairs for almost two years, he has assumed a major role in putting together every veterans' program implemented since World War II.

Oliver is a severely disabled veteran—having sustained his wounds in combat during World War II. When he says the VA medical system is in deep trouble, we all should listen. Members of the Disabled American Veterans, the American Legion, the Veterans of Foreign Wars, the Veterans of World War I, the AMVETS, and others are very concerned about funding levels being proposed by the Administration. In his letter to the House Appropriations Committee for benefits and services for veterans and their families, I certainly share their concern.

Commander Meadows recently issued a "Call to Action" in the DAV magazine to all members of his organization. His comments follow:

CALL TO ACTION

If ever there was a time when all DAV members should act together, it is now. We should act in unison to protect the VA medical system from sweeping, insensitive budget slashes, that time is right now!

If we don't take immediate action—every single one of us—we can be assured that the Administration and its Office of Management and Budget will take a more aggressive and further encroachment on the scope and quality of VA health care we have earned the right to expect.

Now a VA medical system is being considered by the Congressional Appropriations Committees that would carve into the very muscle of the VA health care system with severe and damaging consequences. Of acute concern to us are cutbacks that would:

Trimming 3,132 operating beds from the VA hospital system, a move that would result in a $236.5 million shortage in programs for hospital construction and improvement of nursing care, outpatient, and domiciliary facilities.

These are serious problems. Each one of us must write to our Congressman and Senator, protesting these cutbacks in the VA medical system, I have initiated a program of action for our organization. I urge DAV members of the DAV and DAV Auxiliary at the Chapter, Unit, Department, and National levels to explain the situation and what needs to be done.

But, your action—as an individual member—will be required also if we are to win this critical battle.

Write to your Congressman and Senators today. Don't put it off. It's urgent that you act immediately.

The reduction of 3,132 VA hospital operating beds that is proposed in the Carter Administration's budget is equivalent to the elimination of six 500-bed hospitals. Hardest hit states are California, which is scheduled to lose 600 beds at nine VA hospital facilities, New York, with the loss of 317 beds at six installations; Michigan, losing the beds at four locations, and Pennsylvania, which could lose 171 beds at six medical facilities.

Noting that the Administration is already discussing a cutback of an additional 2,100 beds in Fiscal Year 1980, I can only view the cutbacks proposed in the Fiscal Year 1979 VA budget as part of a master plan to destroy the VA health care system as a separate entity devoted exclusively to veterans.

This proposed reduction of more than 5,000 operating beds in a two-year period follows the loss of some 14,000 beds over the past decade. The situation is especially grave, since VA hospital beds, as a percentage of the total hospital system have increased steadily during this entire period of cutbacks.

I am convinced that such drastic reductions could be seriously considered at a time when veterans of World War II are approaching retirement age in large numbers. Needless to say, the medical needs of this group of veterans are escalating rapidly, as is the severity of the service-connected disabilities suffered by 1.3 million World War II veterans.

I fail to see how the VA can possibly meet the mushrooming demands that the future will bring in any place where the Administration after another insists on shrinking the system's size and capability.
congressional closings are necessary to eliminate overcrowding, improve patient privacy, and conserve space and facility resources. The analysis of these proposals is completely unconvincing. In a limited number of cases, this may be true. But overall, I see these estimates as the result of a desire to disguise an attempt to weaken the VA medical system, making it an easy mark for predators in other Federal agencies.

According to figures released by the National Academy of Sciences in its "Health Care for American Veterans" report last summer, the VA has, since the end of the Vietnam war, lost one staff member for each patient in VA psychiatric facilities and 1.5 staff for each patient in VA general hospitals. The most ominous aspect of the monumental problems the VA has in recruiting and keeping doctors on hospital staffs is that the VA has been able, with the number of available beds down, to attract the most talented doctors and other health care professionals into a system that doesn't pay competitive salaries.

Many of the VA's finest doctors have already left the VA entirely. And those who remain charge that it is growing more difficult each year to attract young doctors and doctors of exceptional ability into the system. Without the influx of new professionals, the VA can only offer opportunities for rewarding research and the stimulation of the high intellectual atmosphere that quality research fosters in a hospital.

As these secondary incentives dwindle, it's no wonder that those who remain struggle to attract and keep its doctors. These concerns were expressed by Dr. Herbert Rose, president of the National Association of VA Physicians, with whom we'll work closely to get VA health care research funding restored to adequate levels.

The fact that two VA medical researchers were awarded the Nobel Prize last year attests to the VA's ability to attract and keep professionals into a system that doesn't pay competitive salaries.

Until something is done about bureaucratic red tape, the VA, as the problem relates most indirectly to patient care— it seems unlikely that realistic and meaningful solutions will be possible.

To keep you informed about how VA medical facilities in your area will be affected, I have prepared a list of the VA's major medical centers. A list of those hospitals that face bed closings and the number of beds scheduled to be cut at each. However, even if VA facilities in your area are not affected, you should still contact your Congressman and Senators, protesting the cutbacks in other areas.

Remember that such cutbacks, continued over the past ten years and into the years to come, will eventually decrease the quality as well as the quantity of VA medical care. Thus becomes the natural shortfalls in construction.

An astonishing total of 36 major construction projects, including a badly needed general medical center in Camden, N.J., are slated to be eliminated in the VA's FY 1979 budget. The budget also includes a cut of $35 million in construction of state extended care facilities. You'll find a breakdown of the shortfalls in construction along with this column. Of course, the DAY will fight to have this funding restored. And, it's just as important that each of you write to your Congressman and Senators about this problem as well as the cutbacks in operating beds and medical research.

The major question I find myself asking when I consider these shortfalls in construction is this: What do these cutbacks mean in terms of VA's potential contributions to the integrity of the VA medical system? Quite frankly, I think these cutbacks show that commitment to be very weak, if it exists at all.

WHY MEDICAL PROGRAMS?

You're probably asking yourself why the Office of Management and Budget decided to descend on the VA's medical programs as this year's answer to a pack of hungry wolves? With Federal funds as tight as they are there is constant pressure on the Administration to cut back on Medicaid programs where possible.

When it comes to the VA budget, we find most of the outlays fixed by law. Disability compensation, pension, DIC, educational allowances, and the like must be paid at the rates set by Congress. Therefore, the only large segment of the VA's operations that offers any budgetary flexibility is the medical program, which thus becomes the natural target for budget cutbacks. Thus the Veterans Administration can do very little to defend itself against cuts in its budget. The agency is, in fact, required to support the Administration budget before the Appropriations Committees of Congress—regardless of the private views of VA officials.

Thus, the job of protecting the VA budget from unmerited slashing falls upon us. We must let the budgeteers know that they can't get away with chopping our medical program away to nothing.

In the final analysis, it all comes down to a phrase all of us have heard before: The President proposes, but Congress disposes. The Administration will not get its way on these budget cuts if we put enough pressure on our representatives in Congress, presenting our case firmly and convincingly.

Congressman Ray Roberts (D-Tex.), chairman of the House Committee on Veterans Affairs, has already taken the lead in this battle. Senator Alan Cranston (D-Calif.), who has been a strong friend of the VA, in the Senate, has always fought for adequate VA medical appropriations, and can be counted on firm ally in this battle.

We have other staunch friends in Congress too. But, we must back them up with solid ground support. It's urgent that all of us act now! Write to your Congressman and Senators today!

"FRIENDLESS" EREETIAN NATION­ALISTS HAVE EARNED MEASURE OF RESPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Russ) is recognized for 5 minutes.

Mr. REUSS. Mr. Speaker, the national­ist forces of tiny Ethiopia have now begun fighting for independence from Ethiopia for 17 years. Today, with Cuban and Soviet forces involved on the side of Ethiopia, whereas during the time the Eritrean nationalists, the Eritrean Peoples Liberation Front and the Eritrean Liberation Front are not surpris­ingly cynical and disillusioned about just who their friends are and what kind of a world—and indeed, whether they really have any friends, including the United States which the Eritreans regard as having favored absorption into Ethiopia in the past.

In a story in the Washington Post, Sunday, April 9, 1978, an EPLF spokes­man was quoted as commenting that "the whole world is against Eritrea."

With all the blood and mayhem in Africa these days, I am reminded of an occasion involving a constituent of mine, whose name is Eritrean. Jan Peter was kidnapped from the Kagnew communi­cations unit in Asmara, Eritrea, They were technicians innocent of any political involvement, and were simply caught.
up in the conflict between Eritrea and Ethiopian occupation forces. I made extensive efforts through our State Department to secure the release of the two men, and was dismayed at the lack of interest on the part of our Government.

Subsequently, I contacted Osman Saleh Sabbe, leader of the Popular Liberation Front in Damascus, Syria, and brought the plight of these two men to his attention. At the time, Mr. Sabbe wrote me:

We do not consider kidnapping innocent people to have been involved directly against our people as a correct action. The history of our revolution has a clean record as far as its abiding by laws and regulation is concerned.

He promptly secured the release of these two men and restored them to their families in the United States.

Let the Eritrean nationalists know that I for one, and everyone involved in this struggle, pray for their release gratefully and wish to assure them that they are not without friends in the United States.

WAYS AND MEANS TRADE SUBCOMMITTEE EXTENDS DATE FOR SUBMISSION OF RECOMMENDATIONS FOR AMENDMENTS TO INTERNATIONAL TRADE PRACTICE LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANK) is recognized for five minutes.

Mr. VANK. Mr. Speaker, the Subcommittee on Trade, Committee on Ways and Means, today announced that the subcommittee is extending to May 15, 1978, the deadline, as previously announced in the press release of February 6, 1978, for all interested parties to submit recommendations on how U.S. laws (and regulations pursuant to such laws) should be amended to provide more expeditious, effective, and equitable relief for domestic industries from unfair practices affecting import competition.

The subcommittee is interested in recommendations for:


Second. The countervailing duty statute (sections 303 and 616 of the Tariff Act of 1930, as amended by section 331 of the Trade Act of 1974):


Fourth. Responses to foreign export subsidies under section 301 of the Trade Act of 1974.

I hope that this extension will permit all interested parties sufficient time to consider the subcommittee's recommendations and in particular to invite testimony from expert practitioners in this important area of trade law and regulations.

All comments and recommendations should be submitted to Mr. John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, Room 1102 Longworth House Office Building, Washington, D.C. 20515; telephone: (202) 225-3625 by May 15, 1978.

THE ROSE AS OUR NATIONAL FLOWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HANLEY) is recognized for five minutes.

Mr. HANLEY. Mr. Speaker, once again, as we all enjoy the great beauty of spring, I would like to express my strong support for House Joint Resolution 654, which would designate the rose as our national flower.

I have read recently a statement by Carter Lee of the New England Rose Society, which I think states quite clearly the strong case for selecting the rose as the most appropriate national flower.

I offer that statement now for the consideration of the House:

THE ROSE AS OUR NATIONAL FLOWER

Why should the rose be our national flower? Because it is both native and immigrant, shy and bold, delicate and sturdy, persistent and adaptable, grown in a hundred forms from miniature to climber in all fifty states, typifying the qualities that make this country what it is.

Before the first settlements were made on American shores, the Reverend Josiah Roger found the "everlasting rose" growing wild on the first landing at Plymouth in 1620. An abundant rose, white, red and damask, single but very sweet indeed, this flower was brought to South Salem, New York, in 1629, what did they find? "Ripe strawberries and gooseberries and sweet single roses." (Higginson's Journal)

The Encyclopaedia Britannica lists 35 native American species of rose, and these are scattered throughout the land—Rosa blanda and Rosa virginiana on our east coast, Rosa setigera, the prairie rose, to name a few, but a few. And then there are such roses as R. laevigata, the Cherokee rose, imported from China, but so much at home here that it was described botanically from American plants and is as southern as fried chicken.

The modern American rose is a hybrid product of many species so interbred as to make it hopeless accurately to trace their ancestry. Are we mistaken in believing that this very characteristic, far from making it alien, is rather typically American? The fact is that George Washington himself helped along the process, growing a hybrid derived from R. setigera, which was named Mary Washington and sold commercially. It is also true that while many species, native and imported, grow wild in the meadows, swamps, and hedgerows of this tremendously varied land, few, fatigued hybrids, furnished with the most fashionable dress of tea is accustomed to a high standard of living. Who would dare say that this is un-American?

Finally, those who think of the rose as a foreign flower because of celebrated immigrants like R. gallica, once the most famous of the genus, and American hybrids like Eugene Boerner of New York, Herbert Swim, Walter Jams, and Robert Lindquist of California, the hybridizer from Elyria, Ohio, the late great Dr. Van Fleet of the U.S.D.A., Grifith J. Buck of Iowa, and many others who have combined to put American roses at the top of the world's production in both quantity and quality, must be found wanting.

It is my intention to schedule a full debate and vote on the Administration's current position on banking reform and improvements in the Federal regulatory structure.

This bill is the product of weeks of negotiations, study, and consultation between the Treasury Department and myself in an effort to broaden the consensus behind key provisions of the Safe Banking Act. This effort was begun shortly after the markup of the Safe Banking Act (H.R. 9600) was terminated near the end of the first session of the 95th Congress.

While I have placed the highest priority on moving the Safe Banking Act, I have delayed a rescheduling of the markup in this session to allow the Treasury Department and others in the administration to study the issues and to develop—as they see it—the best remedies to the defects in our present regulatory structure and current banking practices. At the outset of this task, we realized that there would undoubtedly be areas where we would be forced to continue to disagree, but I have felt that the work—and the final result—will be well worth it if we were able to shore up support for so much as a single title.

As it turns out, we have done much better than that—although we will continue to agree to disagree on some very major areas.

Mr. Speaker, I am particularly pleased with the Treasury's strong position on two key titlcs. One of these gives the regulatory agencies specific authority to disapprove changes of control of banks when unsavory, fly-by-night operators attempt to move in. Treasury also endorses strong provisions for greater disclosure to the regulators of material facts when a takeover is attempted. In view of the evidence collected by the Financial Institutions Subcommittee and in the investigation of the Texas Rent-A-Bank schemes and other bank takeovers, I am gratified that the Treasury has given its full endorsement to providing more powerful regulatory agencies in this important area.

Even more important to the overall purposes of the safe banking legislation is the Treasury's support of new and
more meaningful disclosures by commercial banks in the areas of insider activity. This has been a key feature of the Safe Banking Act and I remain convinced that the "smushine" provided in the disclosure section will have a very salutary effect on efforts to curb insider abuses. I am also pleased that the Treasury has come up with appropriate language to support the disclosure of final "cease and desist" agreements and orders. The public and the stockholders should have this information and not be required to learn of it only through rare accidents and agency leaks.

Both the disclosure title and the change of control title, as proposed in the Treasury draft being introduced today, represent a major step forward in discussion with the Treasury. The language, in my opinion, meets the basic thrust of the Safe Banking Act.

The Treasury has come up with a workable approach which assures the full application of Clayton Act standards to interlocks among depository institutions and between depository institutions and holding companies, including insurance companies.

Working with the subcommittee staff, the Treasury has developed new language on correspondent accounts prohibiting transactions with insiders and requiring full disclosure of any loans where correspondent accounts exist.

The Treasury has also given its backing to the Safe Banking Act's proposals to incorporate the provisions of the National Credit Administration and the so-called FDIC "housekeeping" amendments, as provided in H.R. 9600.

Unfortunately, the Treasury draft does not address some key titles—those dealing with conflicts of interest in the regulatory agencies, Federal charters for mutual savings banks; tightening of supervisory language on correspondent accounts to deal with conflicts of interest in the privacy of bank records. The Treasury fails to address the conflicts of interest question—the effort to slow down the revolving door between the regulators and the banking industry—on the grounds that the administration is supporting a general conflict of interest statute which would apply to all departments and agencies. It takes much the same position on the privacy question, preferring to await completion of pending efforts to develop a Government-wide approach to the issue. The Treasury does not oppose Federal chartering for mutual savings banks in principle; it states that it prefers, however, to deal with the privacy issue in the broader context of the new thrift statute. In addition, the Treasury believes that bank holding company administration and privacy of bank records should be deferred pending a further study of this area.

Mr. Speaker, it will be necessary for the subcommittee to address all four of these titles. They are issues which have been before the Banking Committee for many years and remain a priority item for action. With all due respect to our friends in the Treasury, these four issues cannot be further delayed. Their time has come and we will have a vote on each of them during the safe banking markup.

Mr. Speaker, I regret to disagree with the Treasury's position on the insider definition. It has already been before the Banking Committee for statutory definition of an insider. We were not able to convince the Treasury on our Safe Banking Act approach and, in all candor, I must state that I feel the administration has not taken the issue head on—to the degree I think is required by the magnitude of the problem.

We have wrestled with the problems created by insider activity in banks for many years and we know that the overwhelming majority of failed and problem banks exhibit serious insider dealing. And I feel strongly that excessive insider dealing—particularly by directors—deprives banking institutions of the independent oversight of an objective board unencumbered by massive business dealings with the bank.

The Treasury draft fails in three respects in this area: First, it does not include limitations on borrowings by directors unless they are major stockholders; executive officers; second, it does not provide an overall limitation on aggregate borrowings by all insiders; and third, it does not include a specific and mandatory prohibition against the use of overdrafts by insiders. The Treasury argues that its proposals for general limitations on borrowings by executive officers and directors or stockholders and general prohibitions against preferential treatment are sufficient to deal with the overdraft problem.

I am happy, however, that the Treasury draft incorporates the Safe Banking Act's language on new supervisory powers on removal of officers and that it includes limitations on loans to "political committees" controlled by insiders—as provided in H.R. 9600.

The Treasury draft also includes the Safe Banking Act's proposals for restructuring the National Credit Union Administration and the so-called FDIC "housekeeping" amendments. It also provides additional language on Comptroller of the Currency's "housekeeping" questions.

Mr. Speaker, the receipt of the Treasury's draft now opens the way for a resumption of markup. It is my intention to call an early caucus and then move immediately to markup of H.R. 9600. Where appropriate, the new language offered by Treasury will be considered as we reach the various titles in H.R. 9600. As we left the markup in October, we were on title I and we will be able to move rapidly so that the legislation may be sent to the full committee and the House without delay.

While we do not agree with all the points, I am heartened by the fact that the Treasury Department, and particularly Deputy Secretary Robert Carswell and his staff, have been willing to listen to our arguments for a strong reform bill. Secretary Carswell has been open and fair in this process and I am happy that we have been able to be persuasive in some key areas. We are pleased to have Treasury moving with the basic outlines of safe banking on these points and, of course, we reserve the right to disagree on other areas.

Faced with the multihedged Federal supervisory structure and its various constituencies, the Treasury has performed a difficult, and in many respects, rewarding job. It has made the Carter administration and the Carter administration should be commended for the manner in which it has approached congressional initiatives.

Mr. Speaker, I remain convinced that safe banking must be a priority item for this Congress. We should not adjourn without action in this area. In an election year, I realize that there will be many who believe that the banking lobbies is preferable to dealing with the hard issues of reform. But, the public interest demands more than cosmetic and Band-Aid solutions. We need to have the public not forgotten the banking problems that have received increasing media attention in recent years and weeks. The public expects action.

THE 82D BOSTON MARATHON—CONGRESSMEN ALEXANDER AND BYRON RUN WITH THE BEST OF THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Moakley) is recognized for 15 minutes.

Mr. Moakley. Mr. Speaker, two of our colleagues joined the legion of long-distance runners assembled in Boston yesterday for the running of the 82d Boston Marathon. The gentleman from Arkansas (Mr. Alexander) and the gentleman from Maryland (Mr. Byron) rubbed elbows and blisters with international champions, Olympic hopefuls and weekend runners who qualified for the grueling event of more than 26 miles.

I am proud to report that both of our colleagues finished the race. The gentleman from Arkansas clocked a time of 3 hours, 53 minutes and 26 seconds, while the gentleman from Maryland finished in just over 4 hours. The finish of the gentleman from Arkansas was good enough to place him 3,792d in the field of 4,700.

Both competitors paid homage to the spectators at the annual event. The gentleman from Arkansas in his first entry into the race, noted that—

'He has never experienced more enthusiastic spectators. To run in the Boston Marathon is to pay tribute to the people of greater Boston.'

The gentleman from Maryland echoed those sentiments. "The good and zestful people of the Boston area who line the streets make the race the great amateur event that it is," he said. "This was my second appearance and I am once again grateful for their enthusiastic urgings which carried me over Heartbreak Hill and on to the finish line."

Mr. Speaker, never let it be said that Members of the House of Representatives do not run with the best of them.

JAMES RESTON PRAISES CARTER'S DECISION ON NEUTRON WEAPONS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)
CONGRESSIONAL RECORD—HOUSE 1053

Mr. SEIBERLING. Mr. Speaker, a recent article by the distinguished New York Times writer Mr. James Reston, reprinted in the Akron Beacon Journal of April 11 is one of the most thoughtful and sensible statements yet about the controversial “Neutron Bomb” issue.

Mr. Reston points out that President Carter has made some progress here recently for “hesitating” to order the production of control warheads. As Reston says:

Why shouldn’t he be troubled and “hesitant” when he considers where this alarming competition will end?

A half-starved world is already spending over $350 billion a year on weaponry, and if Jimmy Carter is committed to anything-politically and philosophically—it is to try to get this arms race under control.

TO HESITATE

Mr. Reston points out that good military arguments can be made both for and against the neutron warhead, but what is to be done about the whole reckless and expensive process of the world arms race?

The text of Mr. Reston’s column follows these remarks:

ON NEUTRON "BOMB"—CARTER HAD REASON

(Reply to James Reston)

WASHINGTON.—President Carter has been criticized here recently for “hesitating” to order the production of neutron artillery weapons. Even some members of his own White House staff and cabinet have wondered why he seems so troubled about giving the order.

Why shouldn’t he be “troubled” and “hesitant” when he considers where this alarming competition will end?

A half-starved world is already spending over $350 billion a year on weaponry, and if Jimmy Carter is committed to anything-politically and philosophically—it is to try to get this arms race under control.

It is no more than a modest plea to the House consideration of the property or territory, article IV, section 3, clause 2.

I hope that all appropriate officials, the general public, and above all, the members of this House, will not think that the House of Representatives has acquiesced or should acquiesce in the interpretation of the Constitution that I have expressed. The property or territory is to be disposed by treaty alone and without any participation by the House of Representatives. There has been an adverse Senate vote on this question on April 5, there has been an adverse decision by the Court of Appeals for the District of Columbia Circuit on April 6, and, of course, the very wording of the treaty precludes from the House consideration of the property or territory.

As I have stated on many occasions in the House in that there was no provision for the House consideration of the property issue. But, despite the recent actions of the other branches of Government in derogation of the powers of the House of Representatives, the only official actions that have emanated from the House or its committees continue to support the rightful role of the House in disposal of property.

Mr. Speaker, it is my personal conviction that the Constitution vests in Congress exclusive jurisdiction with regard to the disposal of U.S. property. This is based upon a careful evaluation of the testimony of numerous witnesses (pro and con) who appeared before various committees of Congress during recent years and my own personal study of the issue.

Acting pursuant to my own convictions on the meaning of article IV, section 3, clause 2 of the Constitution, and acting pursuant to the expressed opinions of members of the Subcommittees on Panama Canal, I have consistently urged that the role of the House be respected.

In a speech on the Panama Canal Treaty issue given on May 19, 1977, I spoke in some detail on the property issue. In that speech, I said:

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Linowitz on this issue, and urged them to respect the role of the House in the transfer of U.S. property. In August, when the final drafting of the Panama Canal Act was being done, I sent a telegram to President Carter conveying the same message, urging that the rights of the House under article IV, section 3, of our Constitution be respected. In 1977, I submitted a resolution and made a floor statement on the issue. The resolution stated that the Senate ought to pass the Panama Canal Treaty, but with a reservation which would subject the transfer of U.S. property, among other things, to a vote in the House. In January, during the Senate Committee markup of the Panama Canal treaties, I wrote to Senator SPARKMAN and members of the Senate Foreign Relations Committee urging them to respect the House role under article IV.

Mr. Speaker, I am happy to report that yesterday the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries unanimously approved the report on Panama of article IV, section 2, clause 2 of the Constitution. The thrust of the report is that the power to dispose of U.S. property in the Canal Zone may be transferred only by the legislative authority of the Congress.

The subcommittee's report evaluates the important property disposal issue, which relates to the very fabric of the Constitution—the principle of separation of powers. The House is to be consulted in the transfer of U.S. property interests by treaty in this instance of the canal, you can be assured that the executive departments will invoke this standard whenever it deems it expedient to avoid the authority of the House of Representatives in the future.

It is fair to assume that the constitutional framers, when they expressly granted Congress the power to dispose of U.S. territory and property, ever contemplated that a disposition of bilateral interest to the property be conveyed without approval from the House of Representatives? I think not.

Could they have conceived of a situation whereby treaties involving the disposal of major U.S. property interests were to be negotiated by an independent nation while the U.S. House of Representatives is denied the right to vote on the property disposal therein? I think not.

In my view, the report of the Subcommittee on Panama Canal is not an unusual assertion of the powers of the House of Representatives. The House of Representatives has always asserted its right to participate in the disposition of territory and property by treaty. For example, in 1816, there was legislation concerning regulation of commerce between the United States and Great Britain. In consideration of the conference report on the legislation, the House of Representatives, its Senate counterparts agreed that treaties alone could not, among other things, cede territory.

In 1871, the practice of recognizing Indian interest in land by treaty was terminated by Congress. This resulted from a protest by House Members who felt that no interest in Federal lands could be decided without its being decided by the House. In 1887, the House Judiciary Committee wrote a detailed report advancing the distinctions between the treaty advice and consent functions of the Senate on one hand, and the treaty implementing functions in which the House must inevitably participate on the other. As you can see, this is far from the first occasion on which it has been necessary to uphold the rights of the House.

While the Panama Canal subcommittee report reflects the desire of the House to assert its right of the Congress to dispose of U.S. property, I want to make clear that I do not view this constitutional issue as a device to defeat the Panama Canal treaties or any way. On the contrary, if the House were to vote today on the land disposal contemplated by the treaty, I would support the disposal. Of course, as I said, I strongly support the treaties. But the political and diplomatic necessity of the treaties does not overturn the Constitution.

The Panama Canal Subcommittee felt it was imperative to act yesterday so that the record for the House would be clear prior to the passage of the canal treaties. The House cannot afford to lose its power to dispose of U.S. property. The loss of this power would have adverse repercussions. We are trustees of the powers of the House of Representatives. If we fail to protect those powers, history will not spare us. Any judgment rendered may be none too favorable.

The report of this subcommittee, which received unanimous approval in the subcommittee, strongly endorses the exclusive right of the Congress to dispose of U.S. property or territory while the recipient nation while the treaty procedure takes place. This is one key reason for the Subcommittee's interest in the authority exercised by Congress under Article IV, section 2, clause 2 of the Constitution.

Another compelling reason for the subcommittee's interest stems from the overall importance of the Panama Canal to the United States and the magnitude of investment in connection therewith. Property of the United States has been invested at the rate of $1.5 billion, and the replacement value of the improvements in that jurisdiction has been estimated at $8.2 billion. All or nearly all of the property of the United States in the Canal Zone is related to the Canal itself due to the long-standing policy of this country, as declared in the Panama Canal Act of 1912, that "all land and waters owned or controlled by the United States in the Canal Zone is necessary for the construction, maintenance, operation, sanitation or protection of the Panama Canal..."

An issue of greater importance than the role of the Subcommittee, or even the Panama Canal itself, is connected with the contemplated disposal of the Panama Canal and the U.S. property within the Canal Zone by the year 2000. That issue is whether the transfer of property by treaty alone and without the rightful participation of the House of Representatives will violate the separation of powers that is integral to our form of limited government.

The transfer of Panama Canal property by treaty—without enabling legislation—could well have a major impact on the future of United States foreign policy decisions as they relate to the domestic life of the country. In the future, increasing personal and political contacts across national boundaries may lead the United States to use with greater frequency treaties as instruments of policy. Since money and territory have long been the lifeblood of most of the most important international agreements, and since there is no reason to believe these matters will not continue to be objects of negotiation some time in the future, agreements dealing with U.S. property and territory could conceivably provide for participation of the House of Representatives, those agreements attempting to transfer property for territory by treaty subject to the will of the most democratic national body. It is important to recall that there is only one elected officer of the U.S. Government who is elected by the Executive Branch, and that the Members of the Senate represent disproportionate numbers of the American people.

In short, the Subcommittee is concerned with the authority of the Congress to dispose of property or territory as expressed in Article IV, section 2, clause 2 of the Constitution. The Subcommittee has taken on the authority to make treaties as bestowed in Article II, section 2 of the Constitution. After considering the relative powers of the two powers, the Subcommittee concludes that, because the power to dispose of U.S. property or territory has been invested exclusively in Congress, U.S. property interests in the Canal Zone may not be transferred to the Republic of Panama by treaty, unless the full Congress enacts legislation enabling such a transfer.
In the recent case of United States v. Husband R (Bosch) 483 F. 2d 1004 (6 Cir. 1971), cert. denied 419 U.S. 885 (1974), the Fifth Circuit Court of Appeals asserted that, "The Canal Zone is an unincorporated territory of the United States."

The courts and the Executive Branch are aware of the constitutional nature of this status, and have therefore generally included House and Senate authorization of transfer. If property is transferred alone, the Senate has expressed concern that the United States may lose the right to intervene if the Canal Zone were ever lost to Panama. But if there is also a treaty, the Executive Branch has always defended so strongly the concept of transfer that it may well become the established standard of the Department of State to avoid the action of Congress.

There is a danger that absent a record prepared by treaty, the House of Representatives could be relegated to a purely second-class role in the dealing of this property with other nations. Thus, the Constitution never intended.

EXAMINATION OF THE ISSUE

In arriving at the conclusion that U.S. property in the Canal Zone may not be transferred to the Republic of Panama without the enactment of authorizing legislation, the Subcommittee divides the examination of the constitutional issues into the following three subsidiary questions:

(1) Does the United States, in fact have property in the Canal Zone? (2) Does the Constitution give exclusively to the Congress, or may it be transferred to Panama? (3) Does the President have the authority to acquire the property of the New Panama Canal Company and to acquire from Colombia control of a strip of land for the construction of an interoceanic canal, by treaty alone? (emphasis supplied).*

*In order to make the record as clear as possible concerning U.S. property in the Canal Zone, the Subcommittee had the United States District Court for the Southern District of Florida determine by a declaratory judgment that the United States does have property in the Canal Zone.

U.S. PROPERTY INTERESTS IN THE CANAL ZONE

There does not appear to be serious dispute over whether the United States does possess in the Canal Zone "property or territory." Indeed, the Senate, in its report on the Appropriations for military construction Appropriations for military construction Appropriations for military construction Appropriations for military construction for fiscal year 1977, noted that the property transferred to Panama was owned by the United States.

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The United States of America transfers, without charge, to the Republic of Panama all right, title and interest the United States of America may have with respect to all real property, including non-removable improvements therein, as set forth below:

(a) Upon the entry into force of this Treaty, the Panama Railroad and such property that was located in the former Canal Zone but that is not within the land and water areas the use of which is made available to the United States of America pursuant to this Treaty and related agreements, outside such areas.

(b) Such property located in an area or a portion thereof at such time as the use by the United States of America of such area or portion thereof ceases pursuant to agreement between the two Parties.

(c) Housing units made available for occupancy by members of the Armed Forces of the Republic of Panama in accordance with paragraph 5 (a) of Annex B to the Agreement Implementation of Article IV of this Treaty at such time as such units are made available to the Republic of Panama.

(d) Upon termination of this Treaty, all real property and non-removable improvements that were used by the United States of America for the purposes of this Treaty and related agreements and equipment related to the management, operation and maintenance of the Canal remaining in the Republic of Panama.

THE CONSTITUTIONAL IMPERATIVES REGARDING TRANSFER OF U.S. PROPERTY AND TERRITORY

Having established that the United States has an interest in the Canal Zone which are of great interest to the Subcommittee and which fall under the segals of Article IV of the U.S. Constitution, an examination of the original cost of U.S. Government property in the Canal Zone and the value of other assets to be transferred was undertaken.

The property, plant and equipment of the two agencies include the following principal categories:

[Cost in millions]

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Panama Canal Company</td>
<td></td>
</tr>
<tr>
<td>Canal excavations, channels, etc.</td>
<td>$323.8</td>
</tr>
<tr>
<td>Locks</td>
<td>$111.9</td>
</tr>
<tr>
<td>Vessel repair facility</td>
<td>$16.4</td>
</tr>
<tr>
<td>Dams and spillways</td>
<td>$10.1</td>
</tr>
<tr>
<td>Marine bunkering facilities</td>
<td>$9.2</td>
</tr>
<tr>
<td>Harbor terminals</td>
<td>$19.5</td>
</tr>
<tr>
<td>Housing</td>
<td>$55.2</td>
</tr>
<tr>
<td>Retail stores</td>
<td>$11.4</td>
</tr>
<tr>
<td>Roadside</td>
<td>$18.9</td>
</tr>
<tr>
<td>Electric power system</td>
<td>$43.8</td>
</tr>
<tr>
<td>Water system</td>
<td>$15.8</td>
</tr>
<tr>
<td>Communications</td>
<td>$8.6</td>
</tr>
<tr>
<td>Warehouses</td>
<td>$2.2</td>
</tr>
<tr>
<td>Schools</td>
<td>29.3</td>
</tr>
<tr>
<td>Parks, streets, and sidewalks</td>
<td>21.5</td>
</tr>
<tr>
<td>Hospitals and clinics</td>
<td>17.3</td>
</tr>
</tbody>
</table>

A significant element in the value of many of the properties of the Panama Canal Company is that they are capable of generating business-type, revenue producing activities. All of the property interests cited, in both the sphere of real property, and non-removable improvements, are to be transferred to the Republic of Panama under terms of the Panama Canal Treaty of 1977. The language of the treaty would appear to transfer these interests without reference to enabling legislation. Further the Executive has given clear indications that the Subcommittee has no objection to such transfer of the property, including non-removable improvements, as set forth below:
the arguments which have been raised concerning transfer of U.S. property by treaty is in order. Prior to examination of the arguments, the Subcom­ mittee suggests that the House may intrude upon the treaty or consent power of the Senate. But House as well as Senate approval of the disposition of U.S. property must be obtained prior to the transfer of property as necessitated by the concepts, cited above, that the treaty power is limited by other treaty provisions and that treaties may not violate the Constitution and still be valid.

The Subcommittee views the Article IV Footnote at end of article.
to declare punishment for treason, regulate the Supreme Court's appellate jurisdiction, or to choose electors be invade.

Opinion regarding location in the Constitution has arisen as a defense of the "concurrent" theorists against the exclusivity theory. There are so many strong court opinions which make the disposal power unlimited. It appears significant to the Subcommittee that when no court (save the recent Circuit Court of Appeals for the District of Columbia) has ever limited the disposal power so as to not include the treaty power.

The Supreme Court of the United States and the lower Federal courts have repeatedly decided that Article IV, Section 3, Clause 2 is an exception to the disposal power as to not include the treaty power.

The Supreme Court of the United States and the lower Federal courts have repeatedly decided that Article IV, Section 3, Clause 2 is an exception to the disposal power as to not include the treaty power. Reference to just a few of the decisions that have been handed down by the Supreme Court over the years will amply demonstrate this constitutional principle.

Thus, in Wisconsin Central RR Co. v. Price, 133 U.S. 456, 504 (1890), the court declared that Article IV, Section 3, Clause 2 "implied an exclusion of all other authority over the [public] property which could interfere with this right [of Congress] or obstruct its execution.

In the case of Sioux Tribe of Indians v. United States, 306 U.S. 317, 326 (1949), the Supreme Court stated that "Since the Constitution places the authority to dispose of public lands exclusively in Congress, the Executive's power to convey and the States' rights to retain must be considered as to whether they are in conflict with congressional delegation of its authority."

Referring to the territorial clause of Article IV, Section 3, the court declared that in United States v. California, 332 U.S. 19, 27 (1947), that the United States, as the constitutional power of Congress in this respect is without limitation. Thus neither the courts nor the executive agencies can interfere with Congress in this congressional area of national power."

Also Gibson v. Chouteau, 80 U.S. (13 Wall) 92, 99 (1872), where the Supreme Court stated that this "power is subject to no limitation."

And, in Utah Power & Light Co. v. United States, 243 U.S. 389, 404 (1916), a unanimous Supreme Court stated that "The power to dispose of the United States territory is exclusive, and that only through its exercise—in other words, Congress, can it be acquired."

Although the case law cited is material which falls under the judicial precedents yet to be discussed, the opinions of the court in major cases do not view the disposal power in restrictive terms.

In the recent divided opinion of the United States Court of Appeals for the District of Columbia Circuit in the case of Edwards v. Carter, the court made reference to one of the cases cited [Wisconsin Central RR Co. v. Price County, 133 U.S. 489, 504 (1890)]. The majority opinion implied the location of the disposal power was important in the question. We think that the most reasonable interpretation of such dicta, occurring in the context referred to, is that the disposal power as to not include the treaty power over United States property."

The Subcommittee finds for support this view of applicability of the disposal power in the Federalist Papers, James Madison, long recognized as our prime source of information about the Constitutional Convention, placed the disposal power in a miscellaneous category of powers, rather than in the category of "executing the powers of the federal government." Madison's placement of the disposal power seems to provide what appears to be the view that the disposal power is exclusive.

Intention of the framers

It is difficult to discern the intention of the authors of the Constitution with precision, because the entire debates and proceedings were not transcribed. The history of discussion of the treaty power and property clause is sparse and indecisive as to their relationship and a study of the untranscribed proceedings did not shed much additional light on the relationship of the two clauses.

With this caveat in mind, it is perhaps noteworthy to point out that James Madison, who more than anyone else is credited to the name the "founder of the Federal Constitution," was adamant that the scope of the treaty power does not include the disposal power. The following statement was attributed to Mr. Madison in the debate during the Virginia Convention:

"The British Constitution has the power of making peace, but he has no power of dismembering the empire, or alienating any part of it, unless it has been already so disposed of by the Crown, or its representative, under a right of alienating part of its domain to any power whatsoever. The power of making treaties does not give a right of dismembering the Union." 21

During the discussion at the Constitutional Convention of the question of the power of the Legislature to dispose of territory and property of the United States, no mention was made of an exception for disposition under the treaty power.

This Subcommittee does not find references to the debates at the Constitutional Convention that would support the "concurrent" nature of the disposal power. To be certain, while there was some limited debate at the Constitutional Convention, it hardly seems possible to make a categorical assertion to the intentions of the Founding Fathers on this issue. Indeed, a close study of the entire debate over the disposal power indeed an individual senator's position—suggested the confusion of the Framers on this issue. Indeed, a close study of the entire debate over the disposal power indicates that individual senators' statements selected out of context—indicates that it is more likely that the Framers intended that the disposal power be exercised exclusively by the Senate alone, and further that a vote of three-fourths of both the House and Senate should be required for such action. Mr. Corbin concluded that the disposal power of the Mississippi Territory by Congress could not be exercised until the Senate and House of Representatives had been passed. Mr. Corbin concluded that an attempted exercise of the power to dispose of the territory would be void, and if Mr. Corbin were correct, then legislative interference would be secured.

Therefore, we reiterate that events at the Constitutional Convention were seen as providing a clear answer to this issue.

Judicial precedents

As indicated previously, the Supreme Court has decided that the power of the Congress to dispose of property is "exclusive" and "without limitation." 22 In none of these cases is such language quali-
agreements with the Indians on land matters. The Congress was well aware of its role in such matters and the

Such treaty practice demonstrates an underlying assumption that the United States property in the Canal Zone to the Republic of Panama rests in Congress, and in the absence of any statute conferring such power, cannot be exercised by the executive department of the United States, without power to dispose permanently of the public lands and public property in the Canal Zone to the Republic of Panama. As they involved the setting aside of land by Congress expressly or impliedly, the Executive is without power to act. (34 Op. Atty. Gen. 528.)

The 1819 treaty with Spain was an exchange whereby the United States conveyed the substantially all of Florida in return for the relinquishment of our claim to disputed territory west of the Mississippi. The said treaty was never in American possession and Spain never agreed that it belonged to us. Furthermore, the Act of March 3, 1819 was passed "for the purpose of executing the treaty, in all those parts which are susceptible of immediate execution, and for establishing a provisional government in Floridas." Similar legislation was reenacted by Congress in 1821. This treaty, like many others cited by the Department of State for the proposition of disposal of property by treaty alone, actually involved a boundary dispute. It is well settled that "a treaty for the determination of a disputed line operates not as a treaty of cession, but of recognition." (34 Op. Atty. Gen. 528.)

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Treaty practice

Although the Constitution is not amended by practices inconsistent therewith, the Executive bears no responsibility for a "practise" of disposing of United States properties by reference to certain treaties with foreign nations. If such precedents were meaningful to the constitutional question involved, they are all nevertheless clearly distinguishable from the disposal of property contemplated by the Panama Canal Treaty of 1977.

This Subcommittee will note each of the cases which have been listed by the Department of State. Each case has its own properties and territory has been disposed without authorizing legislation. This Subcommittee recognizes the provisions of the treaties and finds no merit in such a contention. In fact, most of the cited treaties do not even involve the disposal of property rights, but rather in the nature of settlement of disputed claims.

1. The Convention of 1855—Article III of this treaty stated that the lands were conveyed "... according to the provisions of the Act of May 28, 1855, and the State Department of the United States and the Supreme Court ruling (to the effect that the particular disposal exceeded the scope of the Act) be taken as evidence of a disposal without Congressional consent. Such reasoning is not applicable here. The Executive's understanding of the treaty was not an authoritative determination. Whether the Executive had the authority to dispose of the property in the Canal Zone was a question of international law and was of course not a question of the Executive's understanding of the treaty. The Executive was not aware that the Congress did not have the authority to dispose of the land without the approval of Congress. Therefore, the clear view of the United States of America to the United States, and therefore to Congress, was that the executive department was not authorized to dispose of the property in the Canal Zone without the approval of Congress.

The lands transferred as the result of these treaties were at the time of the signing of the treaties not owned by the federal government. The lands would have to be acquired by the respective governments prior to the transfer. Prior to the transfer, the appropriate government would have to acquire the title to the lands. Therefore, nothing in these transfers supports the view that the disposal power...
is "concurrent." Further, these treaties called for as a result of a physical change in the course of the Rio Grande River, a situation clearly different from that of the Panama Canal.

6. Treaties with Japan (23 UST 447) and Honduras (23 UST 2283).

The 1971 treaty with Honduras was a treaty of recognition not disposition—the United States is not acquiring title and Honduras is not losing title. The United States did not acquire title to Honduras's islands under the 1955 Treaty with Honduras; the islands have no intrinsic value:

"The Swan Islands are rock keys located in the Caribbean about 98 miles off the coast of Honduras. The islands have no intrinsic value; under the 1955 Treaty with Honduras, the islands have no intrinsic value; under the 1955 Treaty with Honduras, of course, the islands were not ceded. The islands are approximately six Americans who operate the facilities and a dozen Honduran nationals and British subjects who work for the United States in the islands or raise cattle. (S. Rep. No. 92-94, 92 Cong. 2d Sess., 1 (1972))."

Similarly, the Ryukyu and Daito Islands were returned to Japan pursuant to the 1971 treaty, apparently in reliance upon statutory authority. The United States never claimed ownership nor was there any congressional opposition to the return of these islands to Japan. It is also interesting to note that certain United States property interests were "sold" to Japan for some $320 million.

7. The 1955 Treaty between the United States and Panama (6 UST 2283).

Much has been made of the fact that the legislation authorizing the transfer of property under the 1955 Treaty with Panama failed to cite Article VI or VII of the treaty contemplated by Articles VI and VII of the treaty, although all the transfers were mentioned in the authorizing legislation. Since the Department of State had expressed the view at the Senate Foreign Relations Committee that no constitutional authority was required for all the property transfers including those contemplated by Articles VI and VII, the failure to include the latter in the 1957 Act could have been an oversight.

When the Assistant Secretary of State for Inter-American Affairs testified before the Senate Committee on Foreign Relations on implementing the 1955 Treaty, the following language was inserted in the written testimony:

"Legislation Required to Implement Proposed New Agreements with Panama. Legislation required to implement the following provisions of the treaty and memorandum of understanding reached:"

(3) Articles VI and VII of the treaty and item 2 of the memorandum.

Transfer of certain lands and improvements to Panama.—Authorizing legislation is to be required.

Necessary replacements would require appropriations. Despite the likelihood of oversight, implementing legislation for these Articles dealt with boundary changes between the Canal Zone and Panama established by a prior Executive Agreement and it can be concluded that essentially these Articles are matters of recognition rather than disposition. Thus, the Executive in the cases it has cited, has not substantiated the proposition that the United States supports the "concurrent" nature of the disposal power. As a matter of fact, many of the opposition senators to the treaty amendments have shown exactly the opposite: That is, the House of Representatives has been involved in many previous cessions of territory and property.

Historical precedent—Panama

Assuming arguendo that there are conflicting practices, case law and textual interpretations of the Constitution are unable to resolve the issue of the exclusivity of the disposal power, the best guideline for determining the constitutional procedure for relinquishing the Canal Zone would be the past practice concerning the disposal of Panama Canal properties. A study of this practice demonstrates a complete reliance on Congress for authority to transfer property to Panama.

In 1957, in order to build a legal building on land that had been a part of the Canal Zone, Congress authorized the Secretary of State to transfer title to land in Panama. In 1962, the Senate Foreign Relations Committee, in its report, recommended legislation tovester the Canal Zone would be the past practice concerning the disposal of Panama Canal properties. A study of this practice demonstrates a complete reliance on Congress for authority to transfer property to Panama.

In 1942, a House Joint Resolution permitting a transfer to Panama of a road for the sewers and waterworks systems of Colon and Panama City, as well as certain railroad property, was passed by the Senate despite some objection that the transfer should have been accomplished by treaty without House participation. In the debate that confirmed this important legislative requirement, the then Chairman of the Senate Foreign Relations Committee, Senator Connally, stated:

"... under the Constitution of the United States, Congress alone can vest title to property which United States property interests in Panama."

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The Act of July 10, 1937 authorized the Panama Railroad Company to sell certain lands and release reversionary interests of United States property and territory is exclusively vested in Congress, and that the treaty power did not encompass the power to cede States, or cede territory, if indeed this power exists in the government at all.5

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We agree with the actions of previous Congresses which consistently called for House participation in transfers of Panama Canal properties. In such instances relatively unimportant properties were transferred and yet House approval was sought. No less should be required when we are dealing with the disposal of the major United States property interests in Panama involv ing billions of dollars.

Transfer of property by treaty generally (in which implementing legislation was required), and in particular concerning the Panama Canal, is the only exception to the Zone area, we have sufficient reason for finding the power to dispose of Federal territory and property to be exclusively vested in Congress. The Constitution that this view has been long held by our predecessors in the House, we feel an obligation to this body to state our conclusion firmly and clearly. Any attempt to transfer U.S. interests in the Canal Zone without congressional authorization, must be considered as being beyond the scope of the treaty power and therefore unlawful.

FOOTNOTES

Footnotes at end of article.

1 From data in paper of W. Merrill Whitman, August 8, 1977 in Hearings of the Subcommittee on Panama Canal of the Committee on Merchant Marine and Fisheries, U.S. Senate, 95 Congress, 1st Session, September 25, 1977. (Memorandum from the Assistant Secretary of State to Members of Congress/Legislative Affairs, September 26, 1977).

Footnotes at end of article.

2 Public Law No. 321, 92 Cong.

3 See particularly the remarks of Mr. Marshall, Congressional Record, April 3, 1977, p. 8467.


5 Public Law No. 118, 57th Congress.
FOOD RESEARCH—INVESTING IN THE FUTURE

(Mr. JENNETTE asked and was given permission to extend his remarks at this point in the Raccoon and to include extended discussion of the Congressional Record, March 17, 1971.)

Mr. JENNETTE. Mr. Speaker, the House Agriculture Subcommittee on Investigations, Oversight, and Research, chaired by my good friend and colleague Congressman V. L. Garey, has been looking into the implications of the reduced funding levels for agricultural research that have been presented in the administration's fiscal year 1978 budget. These budget level reductions are highly inconsistent with the strong mandate that the Congress has provided to increase the Federal support for agricultural research.

The current economic climate, Title XIV of the Food and Agricultural Act of 1977 stresses the important role and the necessity of investing in the future by providing more funds for food and agricultural research.

I should like to call to the attention of the Congress an article that appeared in the AFL-CIO Federator magazine entitled "Food Research: Investing in the Future." It seems very appropriate to remind the Congress of the substance of this article. It was well received and has been reprinted in several magazines ranging from the Catholic Digest to, most recently, the Virginia Tech Report on Agriculture and Forestry in their fall 1977 issue.

It is particularly noteworthy that this, the first issue of Virginia Tech Report, chose to lead their publication with Mr. Cordaro's article on food research. Mr. Cordaro's skill for conveying technical information in understandable terms is to be commended. His article warns that unless adequate funds are made available for food and agricultural research, the United States and the world will not be able to meet the challenge of producing adequate amounts of good quality food for the future world whose population—on the assumption of the supplier of last resort. Nearly all of U.S. arable land has been brought into production, and with the next severe dip of the roller coaster the United States may be hard pressed to bail out other countries. Present technologies place the major emphasis on U.S. food production and research. The U.S. seems to be realizing these production levels, while also having to recognize new constraints. The energy costs of machine-powered farming, the environmental costs of chemicals to control weeds and pests, and the more variable and expensive of fertilizers produced from petroleum—all present serious problems. In short, the very elements that furnish the backbone of the modern farming systems are being challenged. To complicate matters further, climatic fluctuations, which are beyond U.S. control, create both uncertainty and unease.

The world faces the challenge to produce adequate amounts of good quality food for the future world whose population is expected to double sometime early in the 21st Century. This will not be as easy now as it has been in the past. But at least these goals must be sought:

1. Developing technologies which use the least possible amounts of non-renewable resources, such as water, land, energy, and fertilizer.
2. Ensuring maximum food production and distribution.
3. Ensuring a more equitable distribution of food.

The food production system we count on to meet these challenges is enormously complex. In crop production, for example, land, water, seed, fertilizer, machinery, credit, and labor work all together to produce a crop, even under uncertain weather conditions. After harvest, transportation, marketing, processing, and cooking are added before food gets to the consumer. If the commodity goes abroad, new factors of production such as market development and politics are involved. Throughout the process, such matters as government regulations, taxes and subsidies must be dealt with.
Science, at the heart of this complex, has previously met our needs. Agricultural research has lagged in recent years, and increased production. For instance, research has demonstrated that while we once had 100 eggs a week, we now have 200, and that number may come soon. One new vaccine alone cut poultry losses from disease by 70 percent and saved consumers $200 million a year. Other discoveries, adding other improvements, have enabled the United States to increase corn yields fivefold in 40 years, from barely 100 bushels per acre. It would have required twice the acres, five times the labor, and 50 percent more machinery. The storehouse of plant varieties is beginning to run out.

Problems with the cost of energy and fertilizer, the availability and use of pesticides, for example, have led to an increased need for plant research. Poor processing, storage, and pest control are of paramount importance; yet little research is going on in these areas. But research can be a slow process. It may take a long time to make and adapt useful discoveries—24 years to develop hybrid corn, for example. Then too, yields have leveled off in several important commodities, indicating there are natural limits to what can be accomplished. Moreover, we are becoming more aware of the complicated process of getting food from seed to the consumer's stomach, or from the ground to the delivery truck. The science, the technology, the economics, involve many variables, and the need for research is growing.

In terms of purchasing power, the United States has been investing less and less in food research and development since 1940. It is still recognized as the finest system in the world. This is the system that has reduced the time it takes to produce a bushel of corn from 130 to 6 man-hours and built a $24 billion export industry. American farmers produce their French counterparts four to one, and as a consequence, the consumers still have among the least expensive food supplies in the world, although the amount of money spent on an adequate diet will continue to rise.

**Basic Research**

Research can be divided between applied and basic research. Applied research consists of studies and demonstrations that have immediate utility; for example, how to adapt corn to a particular climate or soil or how to combat an infestation of insects. Basic research, on the other hand, probes into the unknown. It is not always immediately productive. Basic research is the weeding out from which comes the food-growing miracles of the future.

The system is also dependent on a network which moves the research results to the farms. Inadequate investment research would collect dust on shelves.

The lead time required to make basic research pay off is often 10, 15 or more years. Thus, the system demands a constant stream so that the well continues to run deep. The productivity of our food system for the year 2000 depends upon research begun today. If, as many believe, the storehouse of "on the shelf" knowledge from the past basic research is exhausted, we can be sure that new sequence will present and future populations can be expected.

Soil scientists continue to provide the most support among all nations for research and development of all types. But that's not true in the United States, Canada, Italy, and many other countries. Since 1940, the amount of federal agricultural research and development funds for overall research have barely kept pace with inflation over the last decade, though some countries have substantially increased their research effort in recent years. The remarkable increase in hybrid corn has provided increases in yields ranging from 300 to 500 percent in Mexico between 1945 and 1965 to 500 percent in the United States since the 1930s. Similar gains occurred in Western Europe and other northern European countries.

New high yield varieties of rice and wheat also showed remarkable production increases between 1965 and 1977. One of the most recent improvements has been the development of a new fertilizer, the use of which has been widespread in high yield, high-wage, states with good mulling qualities are now being produced and marketed. Low-yield states, such as Ohio, Indiana, and Kentucky, are expanding their wheat regions of Texas, Oklahoma and Kansas. The anticipated yield increases of about 25 percent in 1978 will represent a major breakthrough for U.S. agriculture.

A man-made cereal, triticale, seems close to high yield, bred first by breeders around the world. The best selections of both durum and hard wheat, triticale types now out-produce older strains of wheat by 15 to 20 percent.

Similar future enhancements of yield are near in other major crops such as sugar cane, soybeans, potatoes, sugar beet, sorghum, millet, pigeon peas and peanuts. Such oil seeds as cottonseed, sunflower, safflower, rapeseed, sesame seed and palm, olive and coconut oils, and other oilseeds to increase the total amount of food available.

**Livestock, Poultry and Fish**

Since many of these plant varieties can also be used for animal feed, an enhancement has a potential effect on the production of livestock and poultry—provide about 25 percent of the protein requirements and about 10 percent of the calories for people around the world.

The number of livestock in the world has been steadily increasing. Domestic animals produce meat, milk and eggs from nutrients derived from crops, forages, and other plant products. If these were used more efficiently, the world could feed a hungry world must be based. It was also stressed that in 1940, 40 percent of the federal research and development funds went for agricultural research. In 1970, less than 2 percent went to agriculture. General Motors spends much more than on its private research. The national defense research budget for fiscal year 1977 was almost $10.5 billion—ten times the amount spent on agricultural research.

In agricultural research, the areas of greatest potential are research on direct food production—food for human and fish—and research on such indirect but essential factors as weather, energy, water, and the processing of foods.

**Plants**

Among all of these, making plants more productive is the most important and the most promising place to begin, since plants photosynthesize during one half of the day, and can be improved dramatically. Two important sources of food in America, corn and soybeans, display the potential. Progress has been steady since the early 1930s because of the application of nitrogen fertilizer and the development of new, more efficient hybrid corn. Similar advances have been made in wheat. The current research effort in the United States alone can improve yields of soybeans, on the other hand, have been nearly static for two decades, at 28 bushels per acre.

Simply put, if each of these plants could learn from the other, food production could improve dramatically. Soybeans are fairly lazy plants. They photosynthesize during one part of the day, then take the rest of the day off. Corn, on the other hand, goes on photosynthesizing all day. Scientists believe it is possible to increase the efficiency of the photosynthesis process in soybeans. If they learn how to make use of light, they can increase food-cost savings could amount to $1 billion per year in the United States alone.

Soybeans are highly efficient in their use of nitrogen because they gather and absorb nitrogen from the environment and reduce their cost of using expensive nitrogen fertilizers. Corn is very inefficient and doesn't even use the applied fertilizer. It would be useful to use nitrogen in nature and in fertilizers more efficiently could cut costs, increase productivity and give us more of the food source they cannot afford now.

As it is, breakthroughs made with hybrid corn have already been the single most spectacular advances in agriculture, that has been used in the United States, Canada, Italy, and many other countries. Since 1940, the amount of federal agricultural research and development funds for overall research have barely kept pace with inflation over the last decade.
SCHNEIDER argues that we have every reason to believe that the climate of the immediate future will be more variable than that of the past, and we need new ways of improving soil conservation, increasing water storage and building reserves to protect our environment.

Research must play the essential part. To cite one example, researchers at a U.S. Department of Agriculture facility in Foreria, Ill., have developed "super slurpers," a blend of manmade materials and streamlining that allows crops to grow 600 times faster in distilled water. Seeds can be coated with "super slurper," enabling them to germinate in dry conditions. Better "greenhouse" agriculture and chemicals that speed up or slow down growth would also help.

ENERGY, LAND AND WATER

Energy, particularly from fossil fuels, is another major contributor to modern agriculture that must be re-evaluated. Dr. John Steinhardt of the University of Wisconsin has demonstrated how food production and gas virtually leveled off in the United States despite substantial increases in energy use. This may be the result of when it comes to energy, the U.S. agricultural system is becoming less and less productive and approaching the peak of efficiency. To improve the efficiency and help to discover means of reducing dependance on energy in food production in this country, the United States alone, more than 3.5 billion tons of topsoil were eroded in the one year of 1970.

As a result, efficient use of land and energy are important parts of future agricultural plans. Annually, more prime agricultural land base is disappearing into non-agricultural uses and is being seriously degraded by erosion. In the United States alone, more than 3.6 billion tons of topsoil were eroded in the one year of 1970. Also, we need to turn our energy more efficiently dictates new technologies for crop irrigation. Ninety percent of all water that is used is lost, at least. But when it comes to energy, energy must be used efficiently since the United States alone, more than 3.6 billion tons of topsoil were eroded in the one year of 1970.

Drought, a major factor in the instability of U.S. food supplies, can be offset somewhat, with adequate research into new techniques such as drip or trickle irrigation, which can also help in preserving water and energy while increasing output. These new methods have reduced by as much as 50 percent the amount of water now used through conventional methods. They also facilitate the use of marginal land, making it possible to use more low quality water, as well as sewage effluent, and build irrigation ditches. Environmental problems—nutrient leaching and water pollution—can also be reduced by the new irrigation methods.

In the South, sub-surface water levels are disappearing because people are consuming more water and, at the same time the supply of water from mountain snowfields in the West is, in some places, 15 percent lower today than it was 20 years ago. Scientists believe more drought conditions are on the way.

Research could help "teach" crops to live on less water. Also, irrigation systems can be improved to prevent the return of chemically affected water to our rivers. Irrigation systems can be made more efficient by improved technology. These improvements would allow water to be used more efficiently for crop production. Studies show that 5 to 30 percent improvement in crop yields is but a 5 to 30 percent saving in energy consumption. Food losses from improper packaging are high and the like could account for as much as a third of the world food output. New methods of pest control will be necessary to control weeds and pests and extraordinary efforts to avoid pollution and harmful environments by leaving chemicals that can be used on a large scale but in small quantities. Before eliminating or reducing waste could save as much as 50 percent, about what would be needed to fill in the gap in calorie consumption for the world.

FERTILIZER AND NUTRITION

As fertilizer becomes more expensive, it must be used more sparingly. Plants use comparatively inefficient in absorbing fertilizer. Only 50 percent of the nitrogen and less than 30 percent of the phosphorus and potassium applied as fertilizer in the United States are now being used by crops. In the tropics only about a quarter to a third of the nitrogen applied to rice is actually used. It is possible to increase the efficiency of fertilizer through research, but a concerted, coordinated effort is lacking.

Just as plants are inefficient and wasteful of food, so are humans; and for some reason we know less about the nutritional needs of our own bodies than, for example, those of chickens. Animal research is easier than human research. There are ethical questions involved in human experimentation. With humans, habits and prejudices make it difficult to use them. For instance, that obesity and overconsumption are U.S. health problems, but we know very little about factors that inspire overeating. Nutrition and nutrition education are other areas where research is needed.

HOME GARDENS

Food expert Sylvan Wittwer of Michigan State University believes the greatest unexploited area of crop production in the United States is in home gardening. Today 51 percent of U.S. families are involved in the nation's 37 million garden plots—the highest percent since World War II. This may be the only trend that is running counter to U.S. agriculture development into a large-scale, capital-intensive industry. Wittwer is concerned that too few of the many scientific developments from commercial food crop production have been adapted to home gardening. One notable area of neglect has been the use of plant varieties that are high quality, disease resistant, high yielding and early maturing, as hybrid carrots, squash, tomatoes and sweet corn.

For all the achievements in agricultural research in the United States, the nation is still in the midst of an agricultural food production system that must be more efficient. While food production technology has barely touched areas like tropical and sub-tropical agriculture, which offer great potential. Many major food crops of the earth—seed legumes, sweet potato, cassava and the millets—have received only token attention. The science of home food gardening, small-scale agriculture and farming systems have scarcely been addressed. In the developing countries, some of the techniques needed will be labor-intensive, with a minimum need for resource capital—quite the opposite compared with some use in the United States. In some areas, the technologies must be created from scratch.

Waste can be eliminated at every step, from nitrogen loss in the field to food quality loss from improper packaging. With present knowledge, it is possible to achieve 6 to 30 percent improvement in crop yields but a 5 to 30 percent saving in energy consumption. Food losses from improper packaging are high. We know that we must stretch the nitrogen applied to rice is actually used. It is possible to increase the efficiency of fertilizer through research, but a concerted effort is lacking.

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$700 for every $1 spent in a short period as discovery was rapidly adopted around the country. One University of Chicago study by two economists found that the ratio of the benefits derived from applied research at 30 to 40 percent of the investment, while basic research can yield returns as high as 17 to 20 times greater than the returns from applied research.

A report by the Joint Economic Committee of Congress and the Subcommittee on Agriculture of the U.S. Senate that the study in which Dr. Edwin Mansfield reviewed the research and development in agriculture and food research and extension service and the impacts of agriculture and food processing in the United States, for 1976, the system for 1975, the results of the study.

Mr. Sikes, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BARNARD, for 10 minutes, today.
Mr. COHEN, for 15 minutes, today.
(The following Members (at the request of Mr. BARNARD) to revise and extend their remarks and include extraneous matter:)
Mr. Sikes, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. CHARLES H. WILSON, for 5 minutes, today.
Mr. CRANEY, for 5 minutes, today.
Mr. REUSS, for 5 minutes, today.
Mr. VANX, for 5 minutes, today.
Mr. HANLEY, for 5 minutes, today.
Mr. ST. GERMAIN, for 5 minutes, today.
Mr. RYAN, for 60 minutes, April 19.

EXTENSION OF REMARKS
By unanimous consent, permission to revise and extend remarks was granted to:
Mr. METCALF, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Readout and is estimated by the Publisher to cost $2,083.
Mr. JENKETT, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Readout and is estimated by the Publisher to cost $970.50.
(The following Members (at the request of Mr. MARKS) and to include extraneous matter:)
Mr. FINDLEY, Mr. BUTLER of Florida.
Mr. BROUHILL.
Mr. CUNNINGHAM.
Mr. WAMPLER.
Mr. SABIN.
Mr. OHLMAN in three instances.
Mr. WALSH.
Mr. MOORE.
Mr. HAGERDON in two instances.
Mr. HOLLENBECK.
Mr. GOLDWATER in two instances.
Mr. BEARD of Tennessee.
Mr. QUILLEN.
Mr. BURCH in two instances.
Mr. DORMAN in four instances.
Mr. ROUSSEL in three instances.
Mr. SPENCE.
Mr. BAPALIS.
Mr. CEDERBERG.
Mr. YOUNG of Florida in two instances.
Mr. HANSEN.
(The following Members (at the request of Mr. BARNARD) and to include extraneous matter:)
Mr. MAZZOLI in three instances.
Mr. CHARLES H. WILSON of California.
Mr. EDWARDS of California in two instances.
Mr. JENKETT.
Mr. TEAGUE in two instances.
Mr. OTTINGER.
Mr. MIPFORD.
Mr. WAXMAN in two instances.
Mr. CLAY.
Mr. GEPHARDT.
Mr. McDONALD.
Mr. APPLEGATE, in four instances.
Mr. BARNARD.
Mr. ROSENTHAL.
Mr. KRUGER.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Mr. CORRAN (at the request of Mr. WRIGHT), for 2 p.m. today, on account of official business.
Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of ill health.
Mr. DELLUMS (at the request of Mr. WRIGHT), after 1:15 p.m. April 17, this week, on account of a death in the family.
Mr. JONES of North Carolina (at the request of Mr. WRIGHT), 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 hereof entered, was granted to:
(The following Members (at the request of Mr. BARNARD) to revise and extend their remarks and include extraneous matter:)
Mr. CONTE, for 30 minutes, today.
Mr. KROCKOW of Illinois, for 5 minutes, today.
Mr. GREEN, for 5 minutes, today.
Mr. WHALEN, for 5 minutes, today.
Mr. SEBELIS, for 5 minutes, today.
Mr. RAISBACK, for 5 minutes, today.
Mr. GOLDWATER, for 5 minutes, today.
Mr. BAUMAN, for 10 minutes, today.
Mr. COHEN, for 15 minutes, today.

The miracle of U.S. agricultural research has been based more in technology than in science. Science has not been extensively tapped. But the present is and the future will be fundamentally different. To meet the demands on the food system will require that science be more effectively employed—that the mysteries of photosynthesis, nitrogen fixation and other areas that require a scientific breakthrough be given increased attention.

April 18, 1978
CONGRESSIONAL RECORD—HOUSE 10463
Mr. PATTISON of New York. Mr. STARK in two instances. Mr. FASCELL in two instances. Mr. RYAN. Mr. HUMPHREDS in two instances. Mr. SOLARE. Mr. DOWNEY.

ADJOURNMENT

Mr. SIKEs. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; according to rule (108, col. 12 and 12 minutes p.m.), under its previous order, the House adjourned until Wednesday, April 19, 1978, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3897. A Communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1978 for the Small Business Administration (H. Doc. No. 95-321); to the Committee on Appropriations and ordered to be printed.

3887. A letter from the Deputy Fiscal Assistant Secretary of the Treasurer, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 2051), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

3890. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 916), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

3888. A letter from the Deputy Fiscal Assistant Secretary of the Treasurer, transmitting the 1977 annual report of the President on the economic condition and results of operations for fiscal year 1978 for the Small Business Administration (H. Doc. No. 95-321); to the Committee on Appropriations and ordered to be printed.

3892. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 916), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

3893. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 916), as amended, establishing a program for the preservation of additional historic properties throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

3894. A letter from the Deputy Fiscal Assistant Secretary of the Treasurer, transmitting the 1977 annual report of the President on the economic condition and results of operations for fiscal year 1978 for the Small Business Administration (H. Doc. No. 95-321); to the Committee on Appropriations and ordered to be printed.

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. MAHON: Committee on Appropriations. H. R. 9270. A bill to amend title 5, United States Code to provide for retention of grade and pay for certain employees, and for other purposes (Report No. 95-96, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMIEER: Committee on the Judiciary. H. R. 9400. A bill to authorize sequestration of depository corporations and depository associations in order to prevent failures of such depository institutions and to provide for other purposes (Rept. No. 95-1058). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H. R. 5551. A bill to suspend for a 3-year period the duty on 2-Methyl, 4-chlorophenol; with amendment (Rept. No. 95-1069). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H. R. 11711. A bill to improve the operation of the program of unemployment compensation for workers and firms under the Trade Act of 1974; with amendment (Rept. No. 95-1060). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H. R. 11711. A bill to improve the operation of the program of unemployment compensation for workers and firms under the Trade Act of 1974; with amendment (Rept. No. 95-1060). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee of the Whole House on the State of the Union. H. R. 11710. A bill to provide for reimbursement to States experiencing high rates of uninsured unemployment; to the Committee on Ways and Means.

Mr. BROOKS: H. R. 12171. A bill to strengthen the right to privacy of the individual in the 1978 Federal Register, and to provide certain private records, to allow for limited auditing of unvouched expenditures, and for other purposes; to the Committee on Government Operations.

Mr. CONABLE: H. R. 12172. A bill to amend the Internal Revenue Code of 1954 to permit a church plan to continue after 1982 to provide benefits for employees of organizations controlled by or associated with the church and to make certain clarifying amendments to the definition of church plan; to the Committee on Ways and Means.

Mr. TVEIT: Mr. Speaker, I move that the House do now adjourn. Mr. CONABLE (for himself, Mr. MOSS, Mr. BURKE of California, Mr. STARK, and Mr. DOLE) : April 18, 1978

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and several referred as follows:

By Mr. ANDERSON of California for himself, and CHARLES H. WILSON of California:

H. R. 12168. A bill to amend section 28 of the United States Code to provide that the U.S. District Court for the Central District of California may be held at Long Beach; to the Committee on the Judiciary.

By Mr. ANDERSON of California for himself, Mr. ALLEN, Mr. ASHLEY, Mr. BINGHAM, Mr. FORD of Tennessee, Mr. GREEN, Mr. HAMLIN, Mr. HANNAFORD, Mr. RANGEI, and Mr. WOOLERY:

H. R. 12169. A bill to regulate the trapping of mammals and birds on Federal lands, and for other purposes; to the Committee on Merchant Marine and Fisheries, Interstate and Foreign Commerce, and the Judiciary.

By Mr. BROOKS:

H. R. 12171. A bill to strengthen the right of the individual to privacy in the 1978 Federal Register, and to provide certain private records, to allow for limited auditing of unvouched expenditures, and for other purposes; to the Committee on Government Operations.

By Mr. CONABLE:

H. R. 12172. A bill to amend the Internal Revenue Code of 1954 to permit a church plan to continue after 1982 to provide benefits for employees of organizations controlled by or associated with the church and to make certain clarifying amendments to the definition of church plan; to the Committee on Ways and Means.

By Mr. ROBERT W. DANIEL, JR.:

H. R. 12174. A bill to provide for the addition of Epes Manot to Petersburgh National Battlefield, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 12175. A bill to provide special consideration by CETA prime sponsors for Opportunities Industrialized Communities, to provide in cooperation with private industry, new preschool training and skills training opportunities, and to other national community-based organizations, to provide comprehensive employment services, to create new training and job opportunities in the private sector: to the Committee on Education and Labor.

By Mr. GEPPARDT (for himself, Mr. HOLLAND, Mr. JENKINS, Mr. Mass, Mr. Mason, Mr. VOLKEMAN, Mr. SODERMAN, and Mr. HUNTER) :

H. R. 12176. A bill to amend the Internal Revenue Code of 1954 to clarify standards for determining status of individuals for em...
employment tax purposes; to the Committee on Ways and Means.

By Mr. GRAHAME:
H.R. 12175. A bill to postpone for 1 year (until January 1, 1979) the effective date of the recently enacted provision which eliminated the Committee on Ways and Means, for the period of the officer's official duties, to the period of the officer's official status; to the Committee on International Relations.

By Mr. SEBELIUS, Mr. MURPHY, Mr. HERSH, Mr. HART, Mr. MILLER, Mr. GOODLING, Mr. EDGAR, Mr. HIGHTOWER, Mr. WATERMAN, Mr. SYMMS, Mr. ROBERTS, Mr. BEDELL (for himself, Mr. Long, Mr. HUDSON, Mr. VAUGHN, Mr. GIBBONS, Mr. BRADEN, Mr. WHITTED, Mr. DAVIS, Mr. EDWARDS, Mr. RINALDO, and Mr. DURNS), and Mr. VAN DEIVER:
H.R. 12166. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide an exemption from coverage under the social security program, through a tax refund procedure, for employees who are members of religious faiths which oppose war, to the Committee on Ways and Means.

By Mr. MATHIS (for himself and Mr. HAL):
H.R. 12160. A bill to insure a comprehensive, periodic review of the tax refund procedure, for employees who are members of religious faiths which oppose war, to the Committee on Ways and Means.

By Mr. NEAL:
H.R. 12181. A bill to recognize the importance of small businesses by providing the Administrator of the Small Business Administration with the attributes of members of the Congress, to include supervisory and managerial or specialist positions, and for other purposes; to the Committee on Government Operations, and Small Business.

By Mr. PICKLE:
H.R. 12182. A bill relating to tax treatment of qualified dividend reinvestment plans; to the Committee on Ways and Means.

By Mr. RAHALI (for himself, Mr. CLAY, Mr. CHAPPELL, Mr. VENTO, and Mr. KINZ):
H.R. 12183. A bill to amend title 5 and title 28, United States Code, to provide for the representation by counsel of Deputy U.S. marshal, to include supervisory and managerial or specialist positions, and for other purposes; to the Committees on the Judiciary, and Post Office and Civil Service.

By Mr. ROE (for himself, Mr. Long of Maryland, Mr. PEPPE, Mr. RYAN, Mr. CHAPPELL, Mr. DAVIS, Mr. AUCHIN, Mr. MOFFETT, and Mr. TOWNS):
H.R. 12184. A bill to increase the authorization for the Local Public Works Capital Development Act of 1976, to the Committee on Post Office and Transportation.

By Mr. STARK:
H.R. 12185. A bill to provide for unbiased consideration of applicants to medical schools to the Committee on Interstate and Foreign Commerce.

By Mr. STOCKMAN:
H.R. 12186. A bill to amend the Internal Revenue Code of 1954, to provide for tax reform, and for other purposes; to the Committee on Ways and Means.

By Mr. TOWNS (for himself, Mr. RUDD, Mr. JOHNSON of Colorado, Mr. LLOYD of California, Mr. KERVIN, Mr. HAMMOND, Mr. HUSSEY, Mr. KETCHUM, Mr. EVANS of Georgia, Mr. ROBERTS, Mr. BEVOLL, Mr. HANSEN, Mr. WILSON, Mr. WOHR, Mr. ENGLISH, Mr. GOULDING, Mr. MARKS, and Mr. SKEKLES):
H.R. 12187. A bill to remove residency requirements and acreage limitations applicable to land subject to reclamation law; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. SHIVELY, Mr. BROWN, Mr. LEHMAN, Mr. MIKULSKI, Mr. KEMP, Mr. EDWARDS of California, Mr. LUKEN, and Mr. NIX):
H.R. 12188. A bill to amend title 5, United States Code, to promote proper and efficient administration of the Federal Civil Rights law; to protect Federal employees disclosing situations in which such activities are not proper or efficient; to the Committee on Post Office and Civil Service.

By Mr. WAMPFLER (for himself, Mr. HAGGERTY, Mr. THOMES, and Mr. SKEKLES):
H.R. 12189. A bill to provide for the regulation by the U.S. Department of Agriculture of transportation in, and the movement of, biological control organisms in the United States as necessary to prevent and eliminate hazards to the agricultural community and to enhance the production of food and fiber, to the Committee on Agriculture.

By Mr. WATSON of California (for himself and Mr. NIX):
H.R. 12190. A bill to amend the provisions of title 33, United States Code, relating to the mailing of solicitations disguised as invoices or statements of accounts; to the Committees on Revenue and Civil Service.

By Mr. YATBON:
H.R. 12191. A bill to amend the Railroad Retirement Act of 1974 to eliminate the reduction of Railroad Retirement annuities by amounts payable as social security benefits in cases where persons who had current connections with the railroad industry, had at least 5 years of service, and had attained the age of 60 as of the enactment of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Missouri (for himself, Mr. BURLISON of Missouri, Mr. GEHRARDT, Mr. ICHORD, Mr. VULKMER and Mr. COLEMAN):
H.R. 12192. A bill to add mileage to the Interstate System for a route along a segment of Missouri Route 72S, to the Committee on Science and Transportation.

By Mr. ANNUNZIATO:
H.R. 12193. A bill to amend the Consumer Credit Protection Act of 1968 to establish a federal interest rate for credit cards and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mr. BEEDELL (for himself, Mr. BINGHAM, Mr. BONTOR, Mr. EDGAR, Mr. GIBBONS, Mr. LAGOMARINO, Mr. LENT, Mr. PATTESON of New York, Mr. STARK, and Mr. CHARLES WILSON of Indiana):
H.R. 12194. A bill to create a solar and renewable energy sources loan program within the Small Business Administration; to the Committee on Science and Technology.

By Mr. BIAGHI (for himself, Mr. ZEPRESTI, and Mr. MILLER of California):
H.R. 12195. A bill to amend the Rehabilitation Act of 1973 to improve the formula for funding under part B of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. BUTLER (for himself, Mr. DEUG, Mr. MILLER, Mr. LEVITT, Mr. MAGUIRE, Mr. MELLO, and Mr. STANTON):
H.R. 12196. A bill to provide for cost-of-living adjustments in the annuity of a retired comptroller for other purposes; to the Committee on Government Operations.

By Mr. BUTLER (for himself, Mr. GOLDSMITH, Mr. MILLS, Mr. LEVITT, Mr. MAGUIRE, Mr. MELLO, and Mr. STANTON):
H.R. 12197. A bill to require the preparation of small business impact statements in connection with Federal agency rules, and for other purposes; to the Committee on Small Business.

By Mr. CEDERBERG:
H.R. 12198. A bill to amend the Tariff Schedules of the United States to provide a temporary suspension of the duty on polyethylene, to the Committee on Ways and Means.

By Mr. HARSHA:
H.R. 12199. A bill to regulate and restrict the use of fuel adjustment clauses by federally regulated, and State regulated, electric and gas companies; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLLAND:
H.R. 12200. A bill to amend section 422 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HOLLAND (for himself, Mr. BROTHILL, Mr. DUNCAN of Tennessee, Mr. STUBBS, Mr. HEPPE, Mr. PFLYNT, Mr. QUILLEN, Mr. JONES of Tennessee, Mr. JENKINS, Mr. ZEPRESTI, Mrs. LLOYDS of Tennessee, Mr. DAVIS, Mr. BARNARD, Mr. ZEIGLE of Rhode Island, Mr. BURKE of Massachusetts, Mr. DANIEL, Mr. HULKE, Mr. BAPALIS, Mr. WATSON, Mr. YATRON, Mr. McCADE, Mr. WALLONNER, and Mr. VANDER JAGT):
H.R. 12201. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. BINGHAM, Mr. BONTOR, Mr. EDGAR, Mr. DEW of Michigan, Mr. GIBBONS, Mrs. APPLETON, Mr. PATTON of New York, Mr. PRICE, Mr. RANGEL, and Mr. STARK):
H.R. 12202. A bill to direct the Secretary of State to implement solar energy and other renewable energy projects in certain buildings of the United States; to the Committee on International Relations.

By Mr. JEFFORDS (for himself, Mr. BINGHAM, Mr. BONTOR, Mr. EDGAR, Mr. FORD of Michigan, Mr. GIBBONS, Mr. LENT, Mr. FISCHER, Mr. RAWLES, Mr. STARK, and Mr. VAN DEIVER):
H.R. 12203. A bill to direct the Secretary of Commerce to conduct a global market survey with respect to American-made solar energy technology equipment; to the Committee on Interstate and Foreign Commerce.

By Mr. MCCLOSKEY:
H.R. 12204. A bill to abolish the Federal Maritime Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. NOLAN:
H.R. 12205. A bill to amend the State and Local Fiscal Assistance Act of 1972 to exempt certain small governmental units from certain public hearing requirements; to the Committee on Government Operations.

By Mr. PAIGE (for himself, Mr. MATHEW, Mr. MARQUARDT, Mr. WHITEHURST, Mr. BAUCUS, Mr. FLOOD, Mr. BALDUS, Mr. MONTGOMERY, Mr. QUITE, Mrs. SMITH of Nebraska, Mr. ANDREWS of North Dakota, Mr. ROBERTS, Mr. VULKMER, Mr. GOULDING, Mr. HALL, Mr. DEERING, Mr. NOLAN, and Mr. MCCORMACK):
H.R. 12206. A bill to modify the method of determining quantitative limitations on the importation of certain fresh and frozen meat and meat products, to apply quantitative limitations on the importation of certain additional fresh and frozen meat and livestock, and for other purposes; to the Committee on Ways and Means.

By Mr. KEMP:
H.R. 12207. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. ST GERMAIN (by request):
H.R. 12208. A bill to strengthen the supervising authority of the Federal Deposit Insurance Corporation to regulate depository institutions, to prohibit interlocking management and director rela-
tionships between depositary institutions, to amend the Federal Deposit Insurance Act, to control the sale of insured financial institutions, to prohibit the formation of corresponding accounts, to establish a Bank Examination Council, and for other purposes; to the Committee on Banking, Finance, and Urban Affairs.

By Mrs. SPELLMAN:
H.R. 12209. A bill to authorize the domestic recruiting of teachers for teaching positions in overseas dependents' schools of the Department of Defense, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 12210. A bill to amend title 6, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians; to the Committee on Post Office and Civil Service.

H.R. 12211. A bill to amend title 5 of the United States Code to extend from 2 days to 4 days the number of days per 30 calendar days during which crews of vessels may be granted leaves of absence and to remove the restriction that such leaves of absence be applicable only to service on extended voyages; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN (for herself, Mr. Adam Smith, Mr. McGowan, Mr. H. Louis McDowell, Mr. Valleyle, Mr. Jenkins, Mr. Adams, Mr. Kramer, Mr. Tmx, Mr. Lee, Mr. Roe, Mr. Hughes, Mr. Quin, Mr. Forsythe, Mr. Huckaby, and Mr. Okerst) :
H.J. Res. 858. Joint resolution to designate the week commencing with the third Monday in February of each year as "National Matriotism Week"; to the Committee on Post Office and Civil Service.

By Mr. BAUCUS:

By Mr. HAWKINS:
H. Con. Res. 562. Concurrent resolution urging a Committee of Congress to reassess its policy of permitting the killing of newborn horses; to the Committee on International Relations.

By Mr. MITCHELL of Maryland (for himself, Mr. AuCoin, Mr. Benjamin, Mr. Colins of Illinois, Mr. Conte, Mr. Conner, Mr. McVeigh, Mr. Spellman, Mr. Connolly, Mr. Fong, Mr. Garcia, Mr. Green, Mr. Hughes, Miss Jordan, Mr. Kimm, Mr. McConn, Mr. McHugh, Mr. Markay, and Mr. Mineta) :
H. Con. Res. 563. Concurrent resolution to provide special recognition in April 1978 to the Committee on Banking, Finance and Urban Affairs.

By Mr. HAWKINS:
H. Con. Res. 564. Concurrent resolution to provide special recognition in April 1978 to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of Maryland (for himself, Mr. Ottinger, Mr. Panetta, Mr. Patterson of California, Mr. Range, Mr. Row, Mr. Sperling, Mr. Wexler, Mr. Young, Mr. McCord, Mr. Gell, Mr. Mork, Mr. Richmond, Mr. Solis, and Mr. Ray) :
H.R. 12212. A bill to amend the Truth in Lending Act to require that contracts and agreements respecting credit transactions subject to the act be written in clear and understandable language; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. SPELLMAN (for herself, Mr. Livingston, Mr. Fong, Mr. Thompson, Mr. Stokes, Mr. Patterson of California, and Mrs. Collins of Illinois) :
H.R. 12213. A bill to amend the Truth in Lending Act to require that contracts and agreements respecting credit transactions subject to the act be written in clear and understandable language; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MITCHELL (for himself and Mr. Dornan) :
H.R. 12214. A bill to amend the Internal Revenue Code of 1964 to provide tax-saving incentives for savings accounts established for the purpose of purchasing a home; to the Committee on Ways and Means.

By Mr. GREEN :
H.J. Res. 855. Joint resolution extending the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

By Mr. MITCHELL of New York:
H. Res. 2777. Resolution providing for the printing of a booklet entitled "Duties of the Speaker"; to the Committee on House Administration.

By Mr. YOUNG of Florida:
H. Res. 1137. Resolution to reaffirm the use of our national motto on coins and currency; to the Committee on Banking, Finance and Urban Affairs.

H. Res. 1138. Resolution to reaffirm the use of the phrase, "Under God", in the Pledge of Allegiance to the Flag of the United States; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

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

H.R. 12211. A bill for the relief of Dana D. Browdy; to the Committee on the Judiciary.

By Mr. GARY A. MYERS:
Page 39, insert the following after line 7:

(8) If any lobbying communication was made on a day not identified in the report filed in that year under section 4.

By Mr. BAULMEM:

AMENDMENTS

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

H.R. 1

By Mr. WIGGINS:

Page 13, strike lines 9-25 and on page 14 strike lines 1-4.

Insert on line 9:

"(C) The Comptroller General shall review each report on a random basis for errors less than 5 percent of the reports filed in that year under section 4."

By Mr. GARY A. MYERS:

Page 39, insert the following after line 7:

(8) If any lobbying communication was made on a day not identified in the report filed in that year under section 4.

By Mr. HAILSBACK:

At page 38, lines 24-25 and page 39, lines 1-2, strike existing subsection (6) and substitute the following new subsection (6):

(6) A description of the issues concerning which the organization was engaged in lobbying communications and upon which the organization spent a significant amount of its time, disclosing with respect to each issue any retainee or employee identified in paragraph (5) of this subsection and the estimate, whether paid or unpaid, who engaged in lobbying communications on behalf of that organization on that issue.

If an event an organization has engaged in lobbying communications on more than 15 issues, it shall be deemed to have complied with this subsection if it lists the 15 issues on which it is spent the greatest proportion of its efforts. For purposes of this paragraph the term "chief executive officer" means the individual with primary responsibility for directing the organization's overall policies and activities.

On page 39, after line 7, add a new paragraph:

The report covering the fourth quarter of each calendar year shall also include a separate schedule listing the name and address of each organization from which the registered organization received an aggregate of $5,000 or more in dues or contributions during that quarter listing the amount given, where (1) the dues or contributions were expended in whole or in part by the registering organization for lobbying communications and solicitations and (II) the total expenditures reported by the organization under section 6(b)(2) during the year preceding the year in which the registration is filed exceeded 1 percent of the total annual income of the organization.

Provided, That the election of an officer, if it so chooses, instead of listing the specific amount given, state the amount, in the following categories: (A) amounts equal to or exceeding $3,000, but less than $10,000; (B) amounts equal to or exceeding $10,000, but less than $25,000; (C) amounts equal to or exceeding $25,000, but less than $50,000; (D) amounts equal to or exceeding $50,000, Provided, That any organization registered under this Act or any organization or individual whose contribution to a registered organization was made in reliance upon a representation under this paragraph may apply for, and the Comptroller General may grant, a waiver of the requirement contained in this paragraph upon a showing that disclosure of such information would violate the policy of the contributor's religious beliefs or would
be reasonably likely to cause harassment, economic harm, or other undue hardship to the contributor.

By Mr. WIGGINS:

On page 38, line 4, after the word "events", insert "to the reporting organization".

On page 38, line 21, after the word "expenditures" insert "for the purpose of engaging in the activities in section 3(a)."

By Mr. YOUNG of Florida:

On page 35, line 4, insert the following:

"(8) A listing of the names of each Federal officer or employee whom such organization has sought to influence respecting any activities described in section 3(a) on behalf of that organization.

On page 39, after line 7, insert the following:

LIMITATIONS OF LOBBYING IN AREAS PROXIMATE TO THE HOUSE OR SENATE CHAMBERS

Sec. 7. (a) No person who is

(1) an ex-Member of the House of Representatives or its employees;

(2) a former Parliamentary Secretary of the House or Senate; or

(3) a former elected officer or minority employee of the House or Senate,

shall, in violation of rule XXXII of the Rules of the House of Representatives, appear in the House of Representatives or any of its adjoint rooms as a representative of an organization which is required to register under this Act during the commencement period in which they have a direct interest.

H.R. 11504

By Mr. VOKMER:

On page 12, insert subsection (d) after "Provided, however," the following:

"that such limitation shall be reduced to the extent of the principal of any loans outstanding to the borrower under Title I of the Consolidated Farm and Rural Development Act, provided, for purposes of this section only, that the outstanding balance of such loan shall be taxed at a rate of one percent per annum, rounded to the nearest whole number, on the principal amount of such loan outstanding as of the date on which such loan was made, but not greater than its face amount."

H.R. 11941

By Mr. WIGGINS:

Strike "candidates for Congress." In the title of H.R. 11941:

On page 3, lines 3-4 strike "and any individual who becomes a candidate in any election for the office of Member."

On page 2, lines 14-18 strike "other than an individual who becomes a candidate in any election for the office of Member."

On page 3, strike line 25 and on page 3 strike lines 1-25.

On page 4, strike lines 1-2 strike "or an individual who is a candidate for the office of Member."


On page 15, line 7 redesignate 2 as 1 on line 9, as 2, on line 18(5) as (3), on line 21(8) as (4), on line 26(7) as (6), and on page 16 line 10 redesignate (8) as (6), on line 11(9) as (7), on line 14(10) as (8), and on line 17 line 1 redesignate (11) as (9).

On page 7, line 2, after the word "source" insert "(other than from the United States Government)."

On page 7, line 6, strike "$2,500" and insert "$3,000."

On page 7, lines 15-16, strike "any loan secured by an automobile" and insert "any loan secured by household furniture or appliances."

On page 8, line 2, after the word "year" insert "(with the concurrence of the Senate); provided, that this paragraph shall not require the reporting of positions held in any religious, social, fraternal, charitable, or political entity."

On page 8, line 15, after the word "individual", insert "organizational unit thereof, or any association comprised solely of Members of Congress or Members of Congress and congressional staff."
his dependents, such individual may elect to pay in installments part or all of so much of the tax as is attributable to education furnished during any calendar year for which the tax is attributable but does not include any course of instruction which is part of the graduate program of the individual.

(2) DOLLAR LIMITATIONS—

(1) IN GENERAL.—The maximum dollar amount which may be paid for any calendar year for which the tax is attributable but does not include any course of instruction which is part of the graduate program of the individual shall be $1,500.

(2) AGGREGATE AMOUNT.—The aggregate amount of tuition for any individual which may be taken into account under subsection (a) for all taxable years may not exceed $6,000.

(3) DEFERRED INSTALLMENT PAYMENTS.—

(1) IN GENERAL.—Amounts paid for the education of an individual shall be taken into account under subsection (a) for any calendar year if such individual is a full-time student for such calendar year.

(2) FULL-TIME STUDENT DEFINED.—For purposes of this section, the term ‘full-time student’ means an individual who, during any 4 calendar months during the calendar year, is a full-time student at an eligible educational institution.

(3) TUTION FOR FIRST YEAR EXCLUDED.—Tuition paid for any individual which is attributable to education furnished during the first year of a general course of instruction shall not be taken into account under subsection (a).

(4) ELECTION.—Amounts paid for tuition for any individual for any calendar year may be taken into account under subsection (a) only if (and only to the extent) the taxpayer elects to apply this section to such tuition.

(e) Terms and Definitions—

(1) IN GENERAL.—For purposes of this section, the term ‘tuition’ means tuition attributable to education furnished during the calendar year which a taxpayer is entitled to an exemption for under subsection (a) of title 26, United States Code.

(2) TAxPAYER WHO IS A DEPENDENT OF ANOTHER.—Amounts paid for tuition for the calendar year for which the tax may be taken into account under subsection (a) by such taxpayer may be taken into account only if the taxpayer is a dependent of any other person for a taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

(3) Spouse.—Amounts paid for any calendar year for tuition for the spouse of the taxpayer may be taken into account under subsection (a) by such taxpayer unless—

(A) the taxpayer is entitled to an exemption for his spouse under section 151(b) for the taxable year beginning in such calendar year;

(B) the taxpayer files a joint return with his spouse under section 6013 for such taxable year.

(4) DENIAL OF PERSONAL EXEMPTION.—If the personal exemption is denied to the taxpayer for any taxable year with respect to such dependent.

(5) ACCELERATION OF PAYMENTS.—If—

(A) the taxpayer dies during the taxable year;

(B) any installment under this section is not paid on or before the date prescribed for such payment (including any extension of time for such payment), the unpaid portion of the tax payable in installments under this section shall be paid on notice and demand from the Secretary. If the tax payable in installments under this section is attributable to any taxable year for which the taxpayer made a joint return under section 6013 with his spouse, subparagraph (B) shall not apply if the spouse survives the taxpayer.

(6) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under subsection (a) to pay any part of the tax imposed by this chapter in installments, such election shall be subject to the limitations provided by this section.

(7) INTEREST.—Interest on any installment paid for any calendar year for which a deficiency is assessed against the taxpayer shall be treated as income taxable for the taxable year in which such installment is paid.
the deficiency so prorated to any installment the date for payment of which has arrived shall be collected upon notice and demand from the Secretary. This paragraph shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

"(3) Election.—Any election under this section shall be made at such time and in such manner as the Secretary may prescribe.

"(4) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—Section 6503 of such Code (relating to suspension of running of period of limitations) is amended by redesignating subsection (l) as subsection (j) and by inserting after subsection (h) the following new

"(1) EXTENSION OF TIME FOR PAYMENT OF TAX WHERE TAXPAYER HAS PAID CERTAIN TUTION.—The running of the period of limitations for the collection of any tax payable in installments under section 6166 shall be suspended for the period amounting thence are any unpaid installments of such tax."