The House met at 12 noon.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray in the words of St. Francis:
"Lord, make us instruments of Thy peace.
Where there is hatred, let us sow love;
Where there is injury, pardon;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light; and
Where there is sadness, joy.

O Divine Master, grant that we may not so much seek to be consoled as to console;
To be understood as to understand;
To be loved as to love,
In it for giving that we receive;
It is in pardoning that we are pardoned.
And it is in dying that we are born to eternal life. Amen."

THE JOURNAL

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

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chidson, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On November 28, 1979:
H.R. 2289. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation paid to veterans with service-connected disabilities and in the rates of dependence and indemnity compensation paid to survivors of veterans who are entitled to compensation under the laws providing for certain assistance in locating individuals who were exposed to occupational hazards during military service; and for other purposes; and

H.R. 4167. An act to amend section 201 of the Agriculture Act of 1949, as amended, to extend until September 30, 1981, the requirement that the price of milk be supported at not less than 80 per centum of the parity price therefor.

On November 30, 1979:
H.R. 4591. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes; and
H.R. 4446. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1980, and for other purposes.

On December 9, 1979:
H.R. 1883. An act to amend Civil Service retirement provisions as they apply to certain employees of the Bureau of Indian Affairs and of the Indian Health Service who are not entitled to Indian employment preference and to modify the application of the Indian employment preference laws as it applies to those agencies; and

On December 7, 1979:
H.J. Res. 448. Joint resolution proclaiming the week of December 3 through December 9, 1979 as "Scouting Recognition Week."

AMERICAN HOSTAGES CANNOT BE CONSIDERED WELL TREATED UNTIL THEY ARE RELEASED

Mr. WRIGHT. Mr. Speaker, one of the saddest and most cynical things involved in the capture of U.S. hostages in Iran was the attempted use last evening of an unfortunate and well-meaning American boy, illegally seized and held hostage by his captors, to characterize the relative degree of mistreatment of those American hostages.

I believe that I speak the unqualified sentiment of this Congress and of the American people when I say that any time any innocent American citizen is captured and held against his or her will by any foreign power, and tied, even loosely, and held incomunicado, prevented from communicating with his fellow Americans, then that American citizen is being mistreated.

Those American hostages will not be, cannot be, characterized as being well treated until they are released and given the freedom to which they were born and to which they are entitled.

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

Mr. WRIGHT. I am glad to yield.

Mr. BRADENMAS. Mr. Speaker, I want to compliment the distinguished majority leader for what he has had to say on this matter and to associate myself with his remarks.

GENERAL LEAVE

Mr. BRADENMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the matter addressed by the majority leader.

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

There was no objection.

PERMISSION TO HAVE UNTIL TOMORROW, DECEMBER 12, 1979, TO FILE CONFERENCE REPORT ON H.R. 5359, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1980

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tomorrow, December 12, 1979, to file a conference report on the bill (H.R. 5359), making appropriations for the Department of Defense for the fiscal year ending December 30, 1980, and for other purposes.

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

There was no objection.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 5359, DEPARTMENT OF DEFENSE APPROPRIATIONS, 1980, ON ANY DATE AFTER FILING

Mr. ADDABBO. Mr. Speaker, I ask unanimous consent that it be in order on any date after the conference report is filed to take up the conference report on the bill (H.R. 5359) making appropriations for the Department of Defense for the fiscal year ending September 30, 1980.

The SPEAKER. Is there objection to

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.
• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.
the request of the gentleman from New York? There was no objection.

HOUSE SHOULD SUPPORT BILL TO REFORM SECOND CAREER TRAINING PROGRAM FOR AIR TRAFFIC CONTROLLERS

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

Mrs. SCHROEDER. Mr. Speaker, in a few minutes, we will be voting on H.R. 5870, the second career training program for air traffic controllers. I want to clear up some misunderstandings which may have resulted from yesterday's debate.

First, the Federal Aviation Administration (FAA) opposes this program because there are other benefit programs, like worker's compensation and disability retirement, to support an air traffic controller who is no longer able to control aircraft. This is true, but I would rather train these burnt-out controllers to become productive members of society, rather than forcing them to live off the public for the rest of their lives. Besides, if we push these controllers into disability or OWCP, rather than second career training, we will not be saving the Government any money.

Second, opponents claim that this bill does not go far enough to prevent controllers from using second career training as a bridge to OWCP benefits. Some of the.sameness on Post Office and Civil Service does not extend to reform the OWCP program. We went as far as we could. Nevertheless, controllers who have served their country in the highly stressful and debilitating job should not be denied retraining because the Department of Labor cannot run OWCP efficiently.

Third, FAA claims that no second career training can work. I do not believe them. I do not believe that we ought to try to run it effectively. I think their workers compensation and disability decisions are life and death decisions. They have a job where, if they have a headache or a cold and take an aspirin or a Contact they are not even able to go to work because the medication could affect their judgment, whereas the rest of us could be able to go to work.

To show the type of pressure they are under, minute after minute, day after day, in their job, an air traffic controller in Hawaii told me once that he would become a millionaire if he could open up any type of business, whether it be an ice cream fountain, a beer place, a grocery store, or a department store and just name it "Some Place Else," because everyday, when they would get off work and someone would say where do you want to go, why don't we go here, the other controller would say let us go some place else. They make so many life and death decisions that when they are through their day's work they just do not have enough energy in them to make anymore decisions.

This second job program is a necessity and a savings to the taxpayers. Let us not punish these controllers because the FAA happens to be the most incompetent agency in the Federal Government.

HOUSE CONCURRENT RESOLUTION 224

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

Mr. STENHOLM. Mr. Speaker, as the days of the imprisonment of American hostages has lengthened, we are witnessing a growing sense of frustration in the American people. A frustration borne by the lack of positive recourse to show concern for the hostages themselves and support for the actions of the U.S. Government attempting to secure their release. This frustration has been met to some degree by ringing of church bells, turning on auto lights, and letter writing to our government officials. This frustration has been met to some degree by ringing of church bells, turning on auto lights, and letter writing to our government officials.

As the Christmas season nears and we all begin to think of home and families, I urge all of us to think of those illegally held so far from their homes and families. I urge you to support and speedily pass House Concurrent Resolution 224 to encourage our constituents back home to send a Christmas card to the Iranian hostages being held in Iran.

We would hope that the Iranian Government would show compassion and deliver the cards to the prisoners to brighten their holiday. However, if not, the cards that pass through House Concurrent Resolution 224 to encourage our constituents back home to send a Christmas card to the Iranian hostages being held in Iran...

I urge every one of our colleagues to communicate their views to NBC.

TRAVEL EXPENSES FOR MEMBERS OF ARMED SERVICES STATIONED 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, today I am introducing legislation which will provide a tax deduction for travel expenses on a trip to and from the United States for members of the Armed Forces who are stationed overseas without their families.

As a member of the Armed Services Committee, I have been disturbed for the past several years by some problems that our military personnel must endure to provide for the defense of this Nation, particularly those personnel assigned overseas.

I think all of the Members of the House have heard and read a great deal about the economic difficulties many of our military personnel are experiencing when stationed overseas. Less visible, but also of concern, are the family hardships which result from assignments overseas without the family accompanying the military member. It is my hope that providing a tax deduction to an individual who is stationed overseas to permit him or her to deduct the expenses for traveling to and from the United States to see his or her family once during an assignment will alleviate a part of the burden of these assignments.

Mr. Speaker, I wish I could say this legislation was fully my idea, but, in fact, it was a suggestion of one, a fellow Hoosier, Mrs. Betty J. Packard of Speedway, Ind., who is a military dependent as well as a journalist. Mrs. Packard met with me recently and made the suggestion. I think it is an excellent one.

I hope the House will recognize the difficulties military personnel endure in our behalf which an overseas member and provide this assistance.
LIGHTING CEREMONY FOR NATIONAL CAPITOL CHRISTMAS TREE

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

Mr. ROTH. Mr. Speaker, the lighting ceremony for the National Capitol Christmas tree will take place tomorrow on the Capitol Grounds. I am pleased that the tree this year comes from Nicolet National Forest which is located in my district in Wisconsin. Last week I had the honor of presenting the tree to the Capitol Architect when it arrived here from Wisconsin.

The National Capitol Christmas tree symbolizes good will, peace, and unity throughout the Nation. It is particularly appropriate to reflect on such thoughts at this time when our Nation is experiencing a very difficult international crisis in the Middle East. We can only hope that the hostages being held in Iran are aware that our Nation has not forgotten them and have a unified resolve to free them safely.

The National Capitol Christmas tree also symbolizes the community effort put forth by the people of Wisconsin in presenting this gift to the Nation for all our citizens to enjoy. The tree was planted by the Civilian Conservation Corps in the 1930's and then in 1939 shipped to Washington free of charge to the taxpayers through contributions by various civic groups and private businesses in Wisconsin.

I look forward tomorrow in participating in the lighting ceremony.

SEND HOLIDAY GREETING CARDS TO AMERICAN HOSTAGES

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

Mr. WYLIE. Mr. Speaker, I would like to take this time to commend one of my hometown newspapers, the Citizen-Journal, for its suggestion that the people of America send holiday greeting cards to the American hostages in Tehran.

It is important that the hostages know that we miss them and that we are deeply concerned for their welfare. The American people have been assured that our Nation has not forgotten them and have a unified resolve to free them safely.

The National Capitol Christmas tree also symbolizes the community effort put forth by the people of Wisconsin in presenting this gift to the Nation for all our citizens to enjoy. The tree was planted by the Civilian Conservation Corps in the 1930's and then in 1939 shipped to Washington free of charge to the taxpayers through contributions by various civic groups and private businesses in Wisconsin.

I look forward tomorrow in participating in the lighting ceremony.

NO VOTING URGED ON CAREER TRAINING PROGRAM FOR AIR TRAFFIC CONTROLLERS

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

Mr. EDWARDS of Alabama. Mr. Speaker, shortly we will be voting on the second careers training program for air traffic controllers. I think that we need to do all we can for these folks who have a real problem, but the bill is before us is not the answer to the problem. We tried to resolve this; we tried to find an answer in training these folks back in the early 1970's. We spent about $100 million in 4 years in this program, and we found that only about 7 percent of the eligible controllers used the program to enter into a new career.

There are other programs that are available to them. We are looking at the possible cost of some $26 million a year for this program, which is an estimated $325,000 per successful trainee in the program. We believe, on the Appropriations Subcommittee on Transportation, that there is a better way to go. We quit funding this program because of these problems. The House Appropriations Committee's investigative staff has recommended that it be terminated; the General Accounting Office has recommended that it be discontinued, and I would urge a "no" vote on the bill today.

GASOLINE DECONTROL FAVORABLE 3 TO 1

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

Mr. COLLINS of Texas. Mr. Speaker, having just finished tabulating my fall district questionnaire, I wanted to share an interesting result I got to a major question. The question was: "Would you favor decontrol of the price of gasoline?" The result: 78.2 percent of my constituents answered "yes." 21.8 percent answered "no". This is proof of the common sense of the residents of the Third Congressional District of Texas. Last year, my city had the highest gasoline prices in the country. Concerned people anywhere should be 3 to 1 for deregulation.

Price controls have never worked during peacetime. They only create shortages. As long as controls remain on domestic oil and gas, America will experience a shortage of these commodities. Because of price controls, domestic crude oil production since 1973 has declined from 9.2 million barrels per day to 7.6 million barrels per day.

The decline in domestic energy production has left the United States increasingly dependent on foreign oil. Six years ago we were importing $3.4 billion of foreign oil, last year we imported $45 billion of oil, this year it will be $60 billion, and next year we will be importing $70 billion. If we continue to send billions of dollars abroad to purchase foreign oil, we are undermining the security of our country and its economic stability.

My home district understands the need for the United States to become energy self-sufficient. They also know that the way to this independence is through deregulation of energy, from crude oil to gasoline.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 914, NATIONAL PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1979

Mr. JOHNSTON of California. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint three additional conferees on the Senate bill (S. 914) to extend the Appalachian Regional Development Act and title V of the Public Works and Economic Development Act of 1965 and to provide for multistate regional development commissions to promote balanced development in the regions of the Nation.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following additional conference committee: Messrs. Leath, Bonior, and Cleveland.

DON'T BUY JAPANESE

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

Mr. LATTAN. Mr. Speaker, it has been reliably reported that during this period of crisis which the United States is having with Iran over the holding of U.S. citizens as hostages, one of our friends, Japan, has continued to conduct business as usual with Iran, including the purchasing of all available oil. The administration has taken note of this fact, and I am certain has noted its objections to Japan.

Unless Japan halts its present practice forthcoming, the American people can show their disapproval by ceasing to buy Japanese products during this period of crisis. Japan should be aware of this alternative and I would suggest that our friend take note of this possibility before it becomes evident in the marketplace.

The Americans want to bring these hostages home and will not look too kindly toward making purchases from countries delaying their return in anyway whatsoever. The American people will not buy Christmas presents made in Japan, our friend would soon see the folly of its present policy toward purchases of oil from Iran.

REQUEST FOR COMMITTEE ON JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit tomorrow, December 11, 1979, while the House is reading four amendments under the 5-minute rule.

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

Mr. ASHROOK. Mr. Speaker, reserving the right to object, it is my understanding that we have some very important business tomorrow. I think I would be constrained to object. I hope my friend would not ask for this.

Mr. MAZZOLI. Mr. Speaker, would the gentleman yield?

Mr. ASHROOK. Yes.
The Speaker. Pursuant to clause 3, rule XXVII, the Chair will now put the question de novo on the motion on which further proceedings were postponed.

The Clerk announced the following pairs:

On this vote:
Mr. Dougherty and Mr. Gingrich for, with Mr. Williams of Ohio against.
Mr. Pickard and Mr. Young of Alaska for, with Mr. Guyer against.

Until further notice:
Mr. Akaka with Mr. Grassley.
Mr. Chappell with Mr. Thomas.
Mr. Russo with Mr. Leach of Iowa.
Mr. Atkinson with Mr. Andrews of North Dakota.
Mr. Hanley with Mr. Connelly.
Mr. Murphy of Illinois with Mr. Edwards of Oklahoma.
Mr. Muths with Mr. Winn.
Mr. Santini with Mr. Hammerschmidt.
Mr. Rodino with Mr. Anderson of Illinois.
Mr. Myers of Pennsylvania with Mr. Mattox.
Mr. Filippo with Mr. Bob Wilson.
Mr. Biaggi with Mr. Albo.
Mr. Edwards of California with Mr. Bedell.
Mr. Chisholm with Mr. Corcoran.
Mr. Gaydos with Mr. Duncan of Oregon.
Mr. McKinnon with Mr. Pappas.
Mr. Ashley with Mr. Gephardt.
Mr. Jenrette with Mr. Hance.
Mr. Delius with Mr. Hart.
Mr. Stokes with Mr. Perkins.
Mr. Roberts with Mr. Dickens.
Mr. Chappell with Mr. Charles H. Wilson of California.
Mr. Rosenthal with Mr. Flood.

Mr. ERDAHL and Mr. LEHMAN changed their votes from "nay" to "yea." Messrs. AUCOIN, STOCKMAN, GUDGER, MARKEY, BAPALIS, and RITTER changed their votes from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR AD HOC SELECT SUBCOMMITTEE ON MARITIME EDUCATION AND TRAINING OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT DURING 5-MINUTE RULE

Mr. AUCOIN. Mr. Speaker, I ask unanimous consent that the Ad Hoc Se—
CONGRESSIONAL RECORD—HOUSE December 11, 1979

Acconrdingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4962, with Mr. WAXMAN in the chair. The Clerk read the title of the bill. The CHAIRMAN. When the Committee of the Whole House rose on Thursday, December 5, 1979, it had been considered as having been read and open to amendment at any point. Are there any further amendments to section 4?

Mr. WAXMAN. 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 an objection to the request of the gentleman from California? There was no objection.

The remainder of the bill reads as follows:

CHILD HEALTH ASSURANCE PROGRAM

Sec. 5. (a) Title XIX is amended by adding at the end thereof the following new section:

"CHILD HEALTH ASSURANCE PROGRAM

"Sec. 1913. (a) A child health assurance program under this section must assure the availability to each individual who is under the age of 21 and who is eligible under the State plan to receive medical assistance—(1) child health assessments in accordance with subsection (b), (2) the services prescribed by section 1902(a)(13)(A), (15) for which such assessments are made, (3) to the extent practicable, continuing care in accordance with subsection (c), (4) to the extent practicable, by agreement with any appropriate public or private entity, health care (including such care and services as are necessary to assure compliance with the requirements of this part), and (5) to (I) to (III) furnished to such individuals followup services which (except with respect to followup services provided by physicians) assure the timely and appropriate provision of the treatment for which such a referral has been made, (II) enter into agreements with appropriate public agencies and nonprofit community-based agencies for the provision of such followup services, and (III) furnish to such a State agency such information as that agency determines to be necessary to allow followup on such service, (b) To provide directly to eligible individuals routine dental care (as defined in subsection (b)(1) of section 1903), (c) To make such reports to the appropriate Federal department or agency as the agency determines to be necessary to assure compliance with the requirements of the agreement, and (ii) to the Secretary as he determines to be necessary to assure compliance with the requirements of the agreement.

(3) As used in this subsection and section 1914(v)(1), the term "medical care provider" includes a physician, public health department, community health clinic or center, primary care center, migrant health center, health center, outpatient health clinic, maternal and child health center, school system, and such other providers as may be specified by the Secretary by regulation.

(4) Payment may be made under a State plan to a health care provider for the provision of child health assessments, and other medical care and services to children under an agreement to do business with aState agency of such medical care and services, (2) notwithstanding the fact that the provider does not ordinarily bill other third-party payers for the provision of such assessment and services.

(c)(1) Continuing care services are the services described in subparagraphs (A), (B), (C), (D), (E), and (F) of paragraph (2) and primary and preventive care (including such care and services as are necessary to assure compliance with the requirements of paragraph (2) and that appropriate provision of the services for which such a referral has been made, (II) enter into agreements with appropriate public agencies and nonprofit community-based agencies for the provision of such followup services, and (III) furnish to such a State agency such information as that agency determines to be necessary to allow followup on such service, (b) To provide directly to eligible individuals routine dental care (as defined in subsection (b)(1) of section 1903), (c) To make such reports to the appropriate Federal department or agency as the agency determines to be necessary to assure compliance with the requirements of the agreement, and (ii) to the Secretary as he determines to be necessary to assure compliance with the requirements of the agreement.

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TREATMENT OF COPAYMENTS FOR CHILD HEALTH ASSURANCE PROGRAM CHILDREN AND MOTHERS

Sec. 6. Section 1902(a)(14)(A) is amended by inserting "subject to subsection (r)" in paragraph (2) after "(2)"; (r) by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to 75 per centum of sums expended during that fiscal year which are attributable to outreach and followup services provided in accordance with paragraphs (41) and (42) of section 1902(a);"
reduction in whole or in part with respect to the period.

Any State dissatisfied with a determination of the Secretary under subparagraph (A) may, not later than 60 days after the date it was notified of the determination, file a petition for review with the Secretary for such determination in accordance with procedures established by the Secretary. Such procedures shall be conducted by an impartial party and shall be completed, and findings and a determination issued, not later than 180 days after the date the State filed its petition for review.

(1) (A) The level of performance of a State in implementing a child health assurance program under section 1913 is measured by the following:

(1) the individuals under the age of 18 in the State who were covered under an agreement under section 1913(c) for the provision of continuing care services and who received, during the period under review, all necessary care and services covered under such agreement, and

(2) the individuals under the age of 18 in the State who were not covered under such agreement.

(1) received, during the period under review, a timely child health assurance in accordance with section 1913 and in a timely manner after such an assessment (as specified by the Secretary by regulation) of the need for medical care or treatment for conditions found during such assessment, or

(2) were not due for an assessment and did not need treatment for conditions found during an assessment, to the total number of individuals under the age of 18 in the State during such period who were enrolled to receive medical assistance under the plan approved under this title which is at least 90 percent of such individuals described in clause (1) and a value of 1.0 shall be given to each individual in the State described in clause (2).

(B) The minimum level of performance of a State in implementing a child health assurance program under section 1913 is a ratio (as determined under the last sentence of subparagraph (A)) of individuals in the State described in clauses (1) and (2) of subparagraph (A) to the total number of individuals under the age of 18 in the State whose income is not above the applicable nonfarm income official poverty line referred to in paragraph (1) and deduct from payments to be made to the State pursuant to paragraphs (2), (3), (4), and (6) of section 1903(a) of the Social Security Act for administration of the State plan under title XIX of such Act 50 percent of the cost of providing the outreach.

(e) Any individual under the age of 21 who has been screened pursuant to section 1905(b)(4) of the Social Security Act (as in effect on the date of the enactment of this Act) on a date before the effective date of the amendments made by this section shall, for purposes of paragraphs (1) and (2) of the Social Security Act (as amended by this Act), be deemed, in accordance with regulations established by the Secretary, to have had a health child health assurance program established in section 1913 of the Social Security Act, as amended by this Act) on that date.

STATE MAINTENANCE OF EFFORT REQUIREMENT

Sec. 9. Section 402(c) of the Social Security Act (as amended by section 1002(b)(2) of the Social Security Act (as in effect on the date of the enactment of this Act) on a date before the effective date of the amendments made by this section) shall be added by inserting in lieu thereof "(1) except as provided in subsection (t), an amount", and

(2) by adding after subsection (b), as added by added by section 403(d) of the Immigration and Nationalization Act.

STUDY OF DUPLICATION OF SERVICES UNDER CHILD HEALTH PROGRAMS

Sec. 12. The Secretary of Health, Education, and Welfare shall commission a study to determine the extent to which Federal funds are being used for duplicative purposes, to determine the extent to which Federal funds are being used for duplicated purposes, and to make recommendations respecting the coordination and integration of services to children and pregnant women under such titles, and make recommendations for legislation to eliminate unnecessary duplication and

(1) specify the extent of the duplication between the programs under title V and XIX of the Social Security Act, make recommendations respecting the coordination and integration of services to children and pregnant women under such titles, and make recommendations for legislation to eliminate unnecessary duplication; and

(2) specify the extent of duplication between the programs under title V and XIX of the Social Security Act, make recommendations respecting the coordination and integration of services to children and pregnant women under such titles, and make recommendations for legislation to eliminate unnecessary duplication.

This section does not authorize the enactment of new budget authority.
STUDY AND DEMONSTRATION PROJECTS ON PROVIDER PARTICIPATION IN CHILD HEALTH ASSURANCE PROGRAMS

Sec. 13. (a) The Secretary, directly or through grants to or contracts with public or private agencies or organizations, shall study and, if he determines it to be necessary, conduct demonstration projects in order to evaluate (1) the participation of health care providers in health assurance programs established pursuant to section 1913 of the Social Security Act, and (2) methods for increasing the participation in such programs, especially programs in areas where there is a shortage of health care providers.

(b) The demonstration projects may be directly through grants or contracts with public or private agencies and organizations, and shall develop and establish, and on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(c) The case of projects under this section, the Secretary waives compliance with the requirements of title XIX of the Social Security Act, including those requirements which relate to methods of payment for services, and with respect to the period he finds necessary to enable States, agencies, or organizations to carry out such projects. Costs incurred in such projects in excess of those which would otherwise be reimbursed or paid under such title may be reimbursed or paid to the extent that such waiver applies to them (with such excess being borne by the Secretary, under such terms and conditions as he may establish). Grants and payments under contracts and grants for such projects may be made in advance or by way of reimbursement, and in such installations and on such conditions as the Secretary finds necessary to carry out the purpose of this section.

(d) The Secretary shall submit to Congress, not later than October 1, 1982, a report on the studies and projects conducted under this section, including such findings, conclusions, and recommendations as he deems appropriate.

(e) (1) The authority by the Secretary to enter into contracts for studies, demonstration projects, and experiments under this section shall be effective for any fiscal year only to such extent as amounts are provided in advance in appropriation Acts.

(2) This section shall take effect on October 1, 1980.

STUDY AND REPORT ON EFFECTIVENESS OF HEALTH ASSURANCE PROGRAM

Sec. 14. (a) (1) The Secretary shall conduct or arrange (through grants or contracts) for the conduct of a continuing, dependable study of the effectiveness of the child health assurance program under section 1913 of the Social Security Act, later than two years after the effective date prescribed by section 16(a) and each two years thereafter, that report to Congress the results of the study and include in the report: (1) the effect of preventive and primary care services on the health status of individuals; (2) the costs of identifying, in such program, such disorders.

(b) The authority of the Secretary to enter into contracts under paragraph (a) shall be effective for any fiscal year only to such extent as amounts are so provided in advance in such appropriation Acts.

(c) For the fiscal year ending September 30, 1981, and for each fiscal year thereafter there are authorized to be appropriated for such activities the sums necessary to make an amount equal to one-eighth of 1 percent of the amount appropriated in the preceding fiscal year for such purposes under title XIX of the Social Security Act for the purpose of ambulatory services for individuals under the age of 21.

EFFECTIVE DATES

Sec. 16. (a) Except as otherwise provided in this section, the amendments made by this Act shall take effect on the date of the enactment of this Act.

(c) (1) Subsection (r) of section 1903 of the Social Security Act (as added by sections 15 and 16 of this Act) shall take effect with respect to the first calendar quarter beginning at least twenty-seven months after the date of the enactment of this Act.

(2) Subsection (e) of section 1903 of the Social Security Act (as added by section 8 of this Act) shall take effect with respect to the first calendar quarter beginning at least six months after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. BAUMAN.

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

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 40, after line 16, insert the following new section and renumber the remaining sections accordingly:

"Sec. 1914. None of the funds authorized to be appropriated under this title shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term: Provided, Nothing in this title shall be construed to require any State funds to be used to pay for any abortion."

Mr. BAUMAN. Mr. Chairman, the amendment now pending before us simply extends to the whole of title XIX the so-called Hyde amendment language which was earlier adopted in the committee. Considering that it pertained to the provisions of the CHAP program, it also very importantly negates certain lower Federal court decisions which have taken the position that the Hyde amendment language attached to HEW appropriation bills somehow should serve as a prohibition against the various States of the Union enacting more restrictive language regarding abortions. In a number of one of these cases, the courts have simply said that the Hyde amendment serves as a Federal restriction only and, in effect, the States must provide more liberal funding because of other requirements in title XIX.

I would call attention, for instance, to the case of Planned Parenthood against Rhodes handed down in September of this year ruling on that title of the Social Security Act in which the court said about the Hyde amendment language on the HEW appropriation bill:

The amendment states that "none of the funds provided for in this paragraph shall be used--"

Meaning Federal funds--to perform abortions; nothing more or less is done than to forbid the Secretary of HEW to appropriate funds so appropriated for those abortions."

I would further point out that Senator Rhodes, who authored the Hyde amendment, repeatedly argued that the amendment was not intended to preclude State funding for abortions if the funds came from State or local sources. And the Hyde amendment language was included in the HEW appropriation bills specifically for that reason. In commenting on the amendment, Senator Rhodes said:

"... the amendment is aimed at Federal funds. It does not affect any authority States may have to provide for abortions. The amendment would not prevent States from providing funds for abortions, or from providing funds to perform abortions, if the States themselves appropriated funds for this purpose."

That now before us, then, is an amendment which provides that the funds authorized to be appropriated under title XIX shall be used only for the purposes set forth in this title, except where the life of the mother would be endangered if the fetus were carried to term. The funds provided for in this Act shall be used only for those purposes. Such an amendment means that States may provide state funds for abortions in accordance with State law and those funds shall not be included in the Federal HEW appropriation act.
Then the court presented the problem: There is no hint in this language that the obligations of the states under title XIX have been changed.

I can attest as one of those supporting the Hyde amendment language throughout its deliberations and adoption in recent years that the intent has been from the beginning to restrict Federal funding and not in any way to place burdens upon the rights of the States; so the amendment that I am presenting today to title XIX of the medicaid statute simply is a States' rights amendment. It does not in any way say that the States may not permit abortions. If I had my own way, I would present such language and would hope that it would be passed, but I doubt seriously that it would do what the amendment does say that any State that wishes to curtail the funding of abortions with its own funds may have its intentions honored, notwithstanding the decisions of these courts.

I hope that the gentleman from California (Mr. WAXMAN) and other members will agree that I support this, because only last week when the gentleman from California (Mr. DANNEMEYER) offered an amendment that dealt with parental consent, the gentleman from California pointed out that he was opposed to that amendment and the gentleman gave this reasoning:

This is a matter that is now left to state legislatures in decision-making. Different states have decided to emancipate minors at different levels and under different circumstances. I think it is presumptuous of us here in Washington to tell each state what they ought to have as the age of emancipation.

Well, that is the same argument that I am making. I think it is presumptuous of the lower federal courts to misinterpret the intent of Congress in such a way as to prevent State legislatures from enacting restrictive language on abortion.

I think it is necessary and contrary to the basic purpose of the medicaid law, which is to take care of the medical problems of poor people. The medically necessary problems may not be under certain circumstances be such as to require an abortion to save the life of the mother, and a State could prohibit what would otherwise be funded under the law.

So, Mr. Chairman, I urge the Members to oppose this amendment.

Mr. CARTER. Mr. Chairman, I rise in opposition to the amendment that Mr. Chairman, I strongly oppose this amendment. The first part appears to be redundant because the Volker amendment was adopted, and I see no use in going down this road again.

Further, it seems to me that the gentleman intends that the States should not pay for necessary medical abortions to save the life of the mother. That seems to be the intention, not to save the life of the mother if it would be endangered if she carried the fetus to term.

I cannot go along with that, and I do not believe many Members of this House can either.

Furthermore, the language of the bill regarding abortion has been made too restrictive already, and this would make it even more so.

Mr. Chairman, I ask the House to use its own good judgment and to vote down this amendment.

Mr. HYDE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would point out to my brother, the gentleman from Kentucky (Mr. Volkmer), that this amendment does not impose an obligation on the States to fund abortions or not to fund abortions. It frees the States.

This amendment says that what we do here now does not mandate that the States do anything. If the States want to fund abortions on demand, they may do so insofar as this amendment is concerned.

This is a States' rights amendment. This is an amendment that says to the States, “You are free to legislate in this area and not be bound by what the Federal Government has done.”

I should think that anyone who believes in our Federal system would resent what the Federal courts have been doing in imposing duties on States to fund abortions because of something we have done here. This eliminates that ambiguity. This eliminates the imposition of a Federal standard on States to fund abortions or not to fund them.

This is a necessary amendment because it reverses what I perceive to be a misinterpretation of legislative intent.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?
Mr. HYDE. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I have asked the gentleman to yield only so I can give him commend as the author of the original Hyde amendment language.

As the gentleman knows, I refer to a number of Federal court cases that have been decided in the last year, particularly one in Ohio, in which the courts interpreted the Hyde language to restrict the right of the States to pass antiabortion language that is stricter in content than the Federal act.

I will ask the gentleman, was that in fact ever the intention of that language? Mr. HYDE. Certainly not.

Mr. BAUMAN. In other words, it was, as I understood it, the intention of the language to permit States to enact legislation consistent with their own wishes, whether more or less restrictive, to govern the funding of abortions.

Mr. HYDE. Absolutely. It seems to me the Federal legislative process ought to control the Federal purse strings, and the State funds ought to be controlled by the people who live there.

For the courts to say that, when the Social Security Act was passed or this title was passed, in 1965 or 1966, and since in the preamble the words, "medically necessary," are found at a time when abortions were a crime in most of the States of this country at the time that this basic statute was passed, somehow or other the States mandated the States to fund abortions, even though we in the Federal Government have said we will fund no abortions except to save the life of the mother, is ridiculous.

So, Mr. Chairman, this amendment offered by the gentleman from Maryland (Mr. BAUMAN) clarifies this issue and says we are not imposing on the States any mandate on the issue of abortion.

Mr. BAUMAN. Mr. Chairman, if the gentleman will yield further, I just want to answer one point made by my colleague, the gentleman from Kentucky (Mr. CARTER), the question that he asked.

I have supported the life-of-the-mother concept since the Hyde amendment was first adopted.

Mr. Chairman, that is a misinterpretation of my intent in offering the language. It simply allows the States to use their own judgment.

Mr. HYDE. Mr. Chairman, I think if the Members will read the language of the amendment, they will find that it is eminently clear.

Mr. MARKS. Mr. Chairman, I move to strike the extraneous number of words.

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

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

Mr. CARTER. Mr. Chairman, I thank the distinguished gentleman for yielding.

If I misinterpreted the remarks of the gentleman from Maryland (Mr. BAUMAN), it certainly was unintentional. However, I believe that it should be plainly understood that this amendment would permit States not to pay for medically necessary abortions to save the life of the mother.

I am strongly opposed to abortion on demand, and I would call attention to the recent Supreme Court decision. I do not agree with it, and as a physician I never engaged in abortion. But in many cases abortion becomes necessary. I would present this circumstance to the gentlemen in this area and I would direct this to the gentle­man from Kentucky, and I would say this: "If you had a daughter who was a victim of rape, I know exactly what you would do." And I do not exclude my congenial brother, the gentleman from Illinois.

I say this: "I believe you would take her right to a doctor and have a saline solution injected to stop the possibility of pregnancy."

Mr. HYDE. Mr. Chairman, will the gentleman yield to me on that point?

Mr. CARTER. Mr. Chairman, it is not my time, but if the distinguished gentleman would allow this amendment, I would ask my good friend, the gentleman from Pennsylvania (Mr. MARKS), to yield.

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

Mr. MARKS. I am pleased to yield to the gentleman from Illinois.

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

Mr. Chairman, I would say to my dear friend, the gentleman from Kentucky, that I would hope to Heaven that I am never in that situation, but if my daughter were to be raped and were not to report it promptly, as I would wish she would, and were to consult me, I would hope to be supportive and not kill her unborn child, no matter how tragically the circumstances of its being placed there were. I say that because I do not believe two wrongs make a right.

I would hope that that would be my attitude, and I would just suggest that the gentleman from Illinois, when he predicts how I would act under the circumstances.

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

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

Mr. CARTER. Mr. Chairman, I would say in answer to that that I certainly do not condone killing in any manner.

I do believe that it is necessary at times to permit abortion in the case of saving the life of the mother or in the case of incest or rape. I make no excuse for saying that, not at all.

Mr. Chairman, I strongly oppose the present amendment.

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

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

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding, and I wish to make just one final comment on this very difficult subject.

Ethel Waters, a great lady of the theater, recently died when she was in her eighties. In her autobiography, "His Eye Is on the Sparrow," she points out that she was conceived by an act of rape when her mother was 12 years old. "And," she said, "they are naming a park in Pennsylvania after me today." I yield to the gentleman from Kentucky.

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

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

Mr. CARTER. I say that that might occur one out of a million times. But I want to say distinctly that it is my strong belief that the vast majority of the Members in this House, if they were confronted with such a situation, in which one of their daughters was raped, then they would immediately take that child to a physician and have her treated so that she would not bear an unwanted child.

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

The CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Chairman, the only thing this amendment adds to what we have already adopted in the Committee of the Whole is to provide for the possibility of States to not pay to provide for abortions to save the life of the mother.

The last time we met, the proponent of the Hyde amendment, the gentleman from Illinois, suggested that there is a justification in his mind for abortion for the very narrow purpose of saving the life of the mother, because then it is a question of one life as opposed to another life.

But now what we are being told is that we are going to leave open the possibility that a State will not pay for the abortion to save the life of the mother, even. I think we ought to realize that that is how far we are going in adopting this extra amendment over and above the Hyde amendment.

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

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

Mr. HYDE. Mr. Chairman, I assert in the strongest possible terms that that is not the intention of the amendment offered by the gentleman from Maryland. If you read the amendment carefully, it just says what we do here does not mandate the States to pay for abortion.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, there is language that says that nothing in this title shall be construed to require any State funds to pay for any abortion.

If the gentleman from Maryland were willing to say that States would not be required to pay for any abortion except where the life of the mother is endangered, then we would be in a situation where the States could be paying for at least those necessary abortions, and that would be a way of putting us to where we were when the Hyde amendment was adopted on this bill. In which case when we say "shall not require the States to use funds to pay for
any abortion," we are saying that the State may choose not to even pay for an abortion under the life of the mother.

Mr. HYDE. If the gentleman will yield further, I would suggest that if a sovereign State, one of the 50 sovereign States of this country, wants to so legislate, it should give them the freedom to do so and let the courts handle questions of constitutionality. We should not impose standards on the States.

Mr. PEYSER. Mr. Chairman, I am limiting my time. I think that this is a harmful amendment. It ought to be defeated, and I urge my colleagues to vote against it, even my colleagues who feel that we ought to have the Hyde amendment in the law, which is a belief contrary to my own feelings. For those colleagues who want this right-to-life amendment in the law, you have it in the law now by virtue of the action already taken last week. Let us not take away this additional protection for saving the life of the mother and have the State take away the opportunity to have an abortion even under those narrow circumstances.

Mr. BAUMAN. Mr. Chairman, I ask unanimous consent to speak again on the amendment.

Mr. PEYSER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. BAUMAN. Mr. Chairman, I do not want to prolong this debate, but I will not permit a misinterpretation of my amendment under the guise of trying to defeat it.

The amendment is very clear. It restates the Hyde amendment language including the life-of-the-mother exception, as it governs Federal funding of abortions. It then says that each State has the right to act for itself and impose any restrictions that it may wish, whether we talk about abortions or to pay for no abortions. That should be the right of the State.

This amendment grows out of a whole series of recent Federal lower court decisions which interpreted the Hyde amendment to say that the States have no right to determine how they shall spend money for abortions, that they must in fact fund all medically necessary abortions, many more than the Hyde amendment permits.

So this is in no way more restrictive. It prevents wholesale abortions now occurring under lower court Federal edicts, and that is the only issue.

Mr. Chairman, I hope that the amendment would be adopted.

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

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

Mr. WAXMAN. Mr. Chairman, I in no way want to misinterpret the gentleman's amendment. I think his statement about what his amendment does is incorrect. I think that is why we ought to defeat it. I think it takes away the right of the State. This whole life may be saved by an abortion from whom the mother have that procedure go forward under the Medicaid program. The gentleman wants that. I do not. I would think that we should already been asked to the question of the right to life.

Mr. BAUMAN. Mr. Chairman, the gentleman from Maryland will state, and I do not know how many times I have to state this to the gentleman, that I do not, the Hyde amendment to say that the life of the mother shall not be an exception when abortion money is available. I think that is a situation in which a life versus a life. That is exactly correct in order to save the mother's life. I am not arguing that. The gentleman keeps repeating his version of my intent in the amendment.

My only intent is to reverse the court decisions that are misinterpreting Federal law and are permitting wholesale abortions because they wiped out all restrictions the States placed on aborting funding with their own funds, and that simply is what my amendment does.

The gentleman from California has been proscription from the beginning, and frankly about that, and that is his position. It is our right to life, from the beginning, as the majority of this House has.

Mr. WAXMAN. If the gentleman will yield, the gentleman is prochoice, not proabortion.

Mr. BAUMAN. When an unborn child is being killed, abortion is not much of a choice for the child, I will say.

Mr. WAXMAN. When the life of the mother is being sacrificed, then it is no choice either.

Mr. BAUMAN. The gentleman from Maryland has made his position clear on that exception as well.

The issue is clear: proabortion or pro-life. Those who support the right to life should vote for this amendment so that the same rights-to-life protection will be provided at the State level as we have at the Federal level.

Mr. Chairman, I urge a vote for the amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the thing that I find hard to understand is that if one is going on here now is that I guess what is being suggested is that the States would basically have the right of denying something that the Federal law that we have enacted in this House, the Hyde amendment—which I also oppose but which nevertheless has been approved by the House—the State shall have the right of reversing the Hyde amendment. It seems to me, if we are going to apply this to the abortion issue, then perhaps all of the legislation that we pass that gives States or any other grants that certain funds take place then should be put up to one more vote in each State to say, "Then the State would have the right of either doing what the Federal Government has supported in the Congress has enacted, or not doing it."

I would suggest that if we follow this procedure in all of the legislation, we are going to have laws at all that are workable, and we are going to end up in a perfectly horrible situation.

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

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

Mr. BAUMAN. Mr. Chairman, the gentleman from New York makes a good point, but it does not apply to this situation because the amendment that I am offering only goes to the expenditure by the States of their own funds for abortions. It would not in any way change the Hyde amendment restrictions for Federal funding of abortions. That is the distinction that has to be made.

Mr. BAUMAN. Mr. Chairman, I appreciate the gentleman's statement. It sets in motion and sets in being in this House a whole new method of looking at legislation, and I would think that this would be, no matter how you stand on abortion, if you support the Hyde amendment, then I would vote against this amendment, because I think this amendment runs counter to what the House has expressed before in supporting the Hyde amendment. It is an amendment that sets a precedent in giving States additional rights dealing with Federal legislation which I think is a total mistake, and let us defeat the amendment.

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

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

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

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, in response to my friend, the gentleman from the great State of Maryland, I want to say that I am prolife. I am prolife of the mother. In cases where the mother's life is threatened, then we have no choice. All my life I have been faced with propositions such as this. It was brought up as a religious matter years and years ago, as to whether the mother's life should be saved or whether the fetus would be sacrificed. That is a regrettable choice. I do not like the language which says that you are killing one person or something of this nature. It is regrettable. It is awful that abortion is necessary sometimes. But sometimes, to save the life of the mother, it is absolutely necessary. I think that this should be followed in every State in our Union.
his contribution to the debate. I believe that the House should listen to the experience of the ranking minority member, because he has had to face these kinds of issues personally; and I think there is a great deal of learning to be gained from his experience.

I believe it is most regrettable that those who seek to impose their wills upon the people of this nation have used CHAP as a vehicle to restrict further the availability of medicaid-funded abortions.

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

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

Mr. HYDE. I thank the gentleman for yielding.

I agree. There is a great deal to be learned from the experience of the gentleman from Kentucky (Mr. CARTER), or the experience of the gentleman from Texas (Mr. PAUL), who takes an opposite position from the gentleman from Kentucky (Mr. CARTER).

But I simply say that under the amendment of the gentleman from Maryland, a State is free to pay for abortions on demand. A State would be free to pay for abortions on request, and so the amendment is being totally misconstrued. I hope not.

Mr. GREEN. I reclaim my time, and yield to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. I would say this is simply a facade that has been placed up by some of our good friends, who for some reasons oppose abortion even to save the life of the mother.

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

Mr. Chairman, I think there is a lot of confusion concerning the debate of this particular amendment. The fact of the matter is that the reason we have this amendment is that the courts have done for a long period of time what the legislatures receive as a result of their failure to act. The amendment seeks to prevent the Federal courts from going in and interpreting the language of the legislation passed in this House to say that it does something that we never intended it to do. That is the precise reason for this amendment. It is because the courts have previously taken it upon themselves to interpret the Hyde amendment to suggest that somehow that amendment puts restrictions on States in making the decisions as to how they should spend their funds. That is the sole purpose of this amendment.

Look at the amendment. Read the language. It does nothing whatsoever to restrict the expenditure of Federal funds which are covered by the language that we have already placed in the bill.

Someone suggested at the beginning of this debate that this amendment was redundant. It would be redundant if we did not have the track record, the experience of Federal courts getting in and saying because the Federal Government has spoken with respect to the way Federal funds should be spent, that therefore means that the States are precluded to spend Federal funds. It is a complete distortion of the Federal process. It is a complete distortion of federalism. It totally ignores any semblance of States' rights, and that is all this amendment responds to.

To suggest that this amendment precludes the expenditure of Federal funds for the performance of an abortion to save the life of the mother is to mislead the amendment totally and is to unconsciously misinterpret the effect of this amendment.

If we truly believe that States have any right that their Federal funds ought to be spent, then this amendment is not extreme. This amendment is necessary only to undo what the Federal courts have been doing, in what amounts to an unconstitutional fashion. The previous court actions have truly interfered with the right of legislatures to represent the people who have elected them and to spend the funds that the legislatures receive as a result of their own taxation. That is its simplicity.

Let us not have the confusion of the issue to say that this somehow does not preclude. This is what the Volkmer amendment does. It is going to a different point, a point required because of the action of the Federal courts in recent years.

Mr. PAUL. Mr. Chairman, I rise in support of the Bauman amendment.

Mr. Chairman, I would like to address a few of the comments from my doctor colleague from Kentucky (Mr. CARTER).

It has been mentioned many times on the floor about the need for doing abortions in order to save the life of the mother.

I believe I am even more qualified than the gentleman from Kentucky (Mr. CARTER), having been an obstetrician and gynecologist in private practice for more than 12 years and having delivered thousands and thousands of babies. I had a large practice and am quite familiar with this problem.

During this time in private practice, I have been present to me who had to be given medication such as estrogens, progesterone, or any of the other means of implantation to get into why there are delays in seeing the mother. I believe that using the argument that the life of the mother has to be preserved to defeat this amendment does not make any sense at all.

During this same 12 years in practice, I never had a patient who was pregnant by incest or by rape. This does not mean, of course, that it does not happen, but it is very, very rare; to establish law based on this rare, extremely infrequent number and to use this to give an endorsement to wholesale abortion, I think, is very wrong.

The other thing is that those individuals who do come for abortion, by rape and incest, and if these are legitimate cases, they will arrive in the doctor's office shortly after the episode. Usually they can come, or there is no reason in the world why they cannot come, within hours or days, and medications or a D and C can be used to prevent the pregnancy from occurring.

Therefore, I do not see the justification for wholesale abortions based on these few instances. They are nothing but concocted reasons to justify wholesale abortions.

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

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

Mr. CARTER. I thank the gentleman for yielding.

The gentleman stated that he would consider dilatation and curettage of the womb. The gentleman mentioned that I believe. That in itself in an abortion when there is a fertilized ovum in the womb.

Mr. PAUL. No. If I may reclaim my time, because I do not think that--

Mr. CARTER. Did the gentleman say it?

Mr. PAUL. If the gentleman is going to get into why there are delays in seeing an M.D. only, that is a different story. Immediately after intercourse, with given medication such as estrogens, progesterone, or any of the other means of implantation to get into why there are delays in seeing the mother, I believe. That in itself in an abortion when there is a fertilized ovum in the womb.

Therefore, one is not doing an abortion artificially.

I think the gentleman is picking on wild little details that just are not true. I see no reason in the world why we cannot endorse and pass the Bauman amendment.

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

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

Mr. BAUMAN. I want to make one additional point that apparently perhaps has been neglected.

The Federal courts in these recent rulings have not just said their interpretation of the Hyde amendment is the standard to be applied to the States. They have gone further. They have looked to other language in title XIX that says the State must supply medically necessary services and interpreted that together with the Hyde amendment as saying the State must in fact provide funding for all abortions, even if the Federal Government does not.

They have misinterpreted the law in the proabortion direction. So this amendment is an attempt to prevent what is obviously a complete distortion of congressional intent.

Mr. PAUL. I think our main problem when we examine this problem of abortion is that we always look at it and deal with it as if we were considering only the day after conception. It should always be looked at and considered as the day before birth. None of us here in the Congress condones infanticide. We do not condone the killing of a new infant. Yet abortion the day before birth is the same principle as early abortion, because all the time, every day of our lives, doctors are learning new and better techniques for keeping the premature babies alive; so whether or not we deal with it, that day before birth is permanent. This is what we should really be concerned about; whether or
not we believe in protecting the life of an infant the day before birth.

Mr. CARTER. Yes, sir.

Mr. DANIELSON. If induced externally, could that be characterized as an abortion?

Mr. CARTER. That is exactly right. I would answer my good friend and say that he is correct.

Mr. DANIELSON. If the gentleman was kind enough to respond again, I believe I heard the last gentleman in the well make frequent references to wholesale abortions. Again, I am a layman, I know the difference between retail and wholesale. It comes to buying things like shoes and ice skates and the like. But what in the world was the gentleman talking about when he referred to wholesale abortions in his recent argument?

Mr. CARTER. I was not referring to myself. I have never supported abortions except to save the life of the mother, or in cases of incest or rape.

Mr. DANIELSON. Wholesale is sort of cheaper by the dozen; is that the idea?

Mr. CARTER. I should think they would be.

Mr. DANIELSON. I am glad the gentleman has explained it, and I will take back my time.

Mr. HYDE. If the gentleman will yield further—

Mr. DANIELSON. I will yield further.

Mr. CARTER. I would say by the dozen they are much cheaper if they are performed by certain gentlemen.

Mr. DANIELSON. I see. Did the gentleman have anything further he wished to say at the time his time ran out a moment ago, or has he covered the subject pretty well?

Mr. CARTER. I think we have covered it fairly well.

Mr. DANIELSON. I thank the gentleman for his response and yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in the liberty of the members to amend.

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

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 20 seconds each.

The Chair recognizes the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I think the final thing for the Members to keep in mind is that in handling a precedent here, we are saying to State legislators you can take your own choice of what you want to do with Federal laws and Federal regulations and then act accordingly.

(By unanimous consent, Messrs. DOUGHERTY, DORNAN, TAUKE, PETEL, DAWNEEMEYER, ROUSSELOT, and HOPKINS yielded the floor to Mr. HYDE.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I think the gentleman from California has somewhat unintentionally trivialized this issue, which is a very serious one. If we want to get into semantics, wholesale abortion refers to 300,000 abortions a year paid for by the taxpayers of this country out of the HEW appropriations. Wholesale means over a million abortions a year performed in this country. That is what we are talking about.

A D. & C. performed on a woman before implantation has occurred, I suppose is not abortion. You cannot abort until a pregnancy exists. It takes some time after the act of rape or intercourse has occurred for conception, fertilization, and still later, implantation. So the gentleman did not speak accurately when he said that every D. & C. is an abortion.

To the gentleman from Texas (Mr. LEALAND) I would suggest nobody is in favor of wholesale abortions in this House that I am aware of.

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

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

Mr. LEALAND. The gentleman from Texas clearly stated that the gentleman from Kentucky was in favor of wholesale abortion.

Mr. HYDE. I did not hear the gentleman say that, but anybody that supports language that permits wholesale abortions ought to know what he is supporting.

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

Mr. HYDE. I yield to the gentleman.

Mr. CARTER. Mr. Chairman, I just want to say that I never did abortions; I do not approve of them except to save the life of the mother or in case of incest and rape. I do not deny that. I think anyone who denies it has not had it happen in his own home.

Mr. HYDE. I thank the gentleman.

No one ever accused Dr. CARTER, who has voted for my amendment, without rape and incest exceptions, many times, but I would think someone from Kentucky would want States rights to have some new life in this Congress, and that is all I am attempting to do.

Mr. HYDE. We have a gynecologist here, Dr. PAUL.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend from New Jersey.

Mrs. FENWICK. Mr. Chairman, I think any definition of rape must be left to the only doctor in this House.

Mr. HYDE. We have a gynecologist here, Dr. PAUL.

Mrs. FENWICK. He has not pronounced himself, so I am referring to the doctor who has. Mr. CARTER, I determined never to speak again on this subject, but I cannot stay silent.

You do not stop abortions by laws. You merely drive it somewhere else, and that has been put on our country after country. You are not going to stop it.

Mr. HYDE. If I may reclaim my time, another lady—
The CHAIRMAN. The time of the gentleman from Illinois has expired. The Chair recognizes the gentleman from Iowa (Mr. BAUMAN). Mr. LUKEH. Mr. Chairman, in response to the gentlewoman's suggestion, you may not stop abortions by laws, but you certainly can encourage them. I think this Government has encouraged them by Federal laws.

Mr. Chairman, I am in strong support of the Bauman amendment which is necessary by court decisions which have misinterpreted the congressional intent and made it impossible for the States to fund abortions of various types.

I quote the second proviso of this amendment which is most important:

Provided however, That nothing in this section shall be construed to require any State funds to be used for any abortion.

This would restore the right of the State to liberalize or restrict with the use of State funds. It would not control the congressional intent of Medicaid abortion legislation to govern State policies.

The principal effect of the amendment therefore is to prevent the courts from forcing States to fund abortions. I name the Federal legislation. The Federal legislation was intended to limit abortions, not to extend them.

As to the first part of the amendment, it is simply a restatement of congressional intent.

First and foremost, it is essential to focus on just what an abortion is: The killing of human life. If I believed that the unborn was less than human, that the fetus was some sort of tumor, a collection of randomly multiplying cells, then all the reasons for killing it would make some sense. But medical science tells us indeed the unborn is human life.

The argument is often made that the Hyde amendment denies to poor women the ability of wealthy women to pay for their abortions. The real question is, shall the taxpayers pay for the killing?

There are many operations wealthy women can afford, cosmetic surgery for example, but ought the taxpayers pay for it? We all have the right of free speech, but must the taxpayers purchase a printing press for everyone who can not afford one? The real issue is not whether some women can afford an abortion or not. The issue is whether the killing of innocent preborn human life is the sort of activity the Federal Government ought to pay for.

Abortion is violence. There ought to be human answers to the human problems of unwanted pregnancies. The women's "right to choose" ought to remain fully valid until she conceives and then is a victim whose "right to life" deserves consideration. The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

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

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

The CHAIRMAN. The Chair will draw your point of order, Mr. BAUMAN.

Mr. BAUMAN. Mr. Chairman, I withdraw my point of order and no quorum.

A recorded vote was ordered; and the vote taken by electronic device, and there were ayes 235, noes 155, by the gentleman from Illinois (Mr. BAUMAN).

Amendment offered by Mr. LUKEH:

Provided however, That nothing in this section shall be construed to require any State funds to be used for any abortion.
CONGRESSIONAL REVIEW OF RULES AND REGULATIONS
Sec. 17. (a) The Secretary shall first establish final regulations to carry out the amendments made by this Act not later than six months after the date of the enactment of this Act: Provided, That notwithstanding any other provision of this Act, simultaneously with promulgation of any rule or regulation the Secretary may promulgate, the Secretary shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives as provided in subsection (b), the rule or regulation shall not become effective if—
(1) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolution is a mandate to the Secretary of Health and Human Services dealing with the matter of which rule or regulation was transmitted to Congress.
(2) within 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such rule or regulation, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after such transmission.
(b) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule or regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule or regulation, and neither House has adopted such a resolution, the rule or regulation may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such rule or regulation, the rule or regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after such transmission.
Tenth. On page 33, lines 8 to 9, and 19 to 20, we ask the Secretary to look into the ratio of those enrolled in this program and the number of poor children in each State.
Eleventh. On page 31, we give the Secretary authority to force States to set up an outreach program for CHAP, if the State decides the State does not have enough people in the program, based on a study of the ratios.
Twelfth. On page 34, we allow the Secretary of Health and Human Services to determine who is a resident of a State for purposes of eligibility for this program.
Thirteenth. On page 35, we ask the Secretary to determine if this program duplicates the services of any other program.
Fourteenth. On page 37, we give the Secretary all kinds of vague authority to contract out for studies of this program.
Fifteenth. On page 38, we give the Secretary a mandate to tell us if this program has preventive care value.
Sixteenth. And on page 42, we give the Secretary final authority to make up any regulations deemed fit to enforce this program, if we have left anything out.

Mr. LUNGREN (during the reading). Mr. Chairman. I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

Mr. LUNGREN. Mr. Chairman, about a year ago, the Secretary of HEW was asked to decide who was a handicapped person, and the President of enforcing equal employment opportunity laws.

In consultation with the Justice Department, the Secretary of HEW decided that persons addicted to alcohol and drugs were handicapped. This made alcoholics and drug addicts eligible for protection under this amendment by reducing past employment discrimination

This development was alarming to a number of people—not the least of them the chain drugstore industry which envisioned itself having to hire drug addicts to work its warehouses.

This is an extreme case of the perversion of intent by repressive regulations. But it is just one example of the mischief HEW can make when it gets into the business of promulgating regulations.

Today, I am introducing a legislative veto amendment to this bill because CHAP deals with the sensitive subject of health care for children and pregnant women.

It is one thing for bureaucrats to regulate commerce. It is quite another for them to be granted sweeping regulatory powers over something so personal as when and where to have health checkups.

I think there are too many places in this bill where we delegate too much authority to the Secretary of HEW.

I would like to see in this bill where we leave the details of one particular provision or another up to the discretion of the Secretary of HEW. That is 22 places in a 43-page bill—more than one out of every 2 pages of Secretary of HEW on every other page.

Here are just some of the details—but no means all—we leave up to the Secretary of HEW in this bill:

On page 10, we give the Secretary of HEW authority to decide which nonprofit, community-based organizations can be reimbursed for providing care under this program.

Second. On page 12, we give the Secretary of HEW say over which community mental health centers are eligible to participate in this program.

Third. On page 14, the Secretary is left to decide when and what tests children will be given under this program to assess their general health.

Fourth. On page 15, the Secretary has authority to decide what diagnostic tests and immunizations shall be required of all persons participating in this program.

Fifth. On page 18, the Secretary of HEW determines what primary and preventive care shall be given to pregnant women and their babies.

Sixth. On the same page, lines 23 and 24, the Secretary sets reimbursement levels for those providing care in this program.

Seventh. On page 19, we give the Secretary authority to require every provider of care to any State CHAP program that does not meet her/his standards.

Ninth. On page 30, we ask the Secretary to require Congress to inquire on how each State is doing under this program.

We are giving HEW blanket authority in this bill to determine when a child should have dental checkups, what shots he should have, whether or not he gets glasses, and if he should be given psychiatric care.

I can think of no worse place to substitute the decisions of a bureaucracy.
for that of an individual than in these instances.

What checks are there against bureaucratic arrogance in this bill? How will we know if HEW is to be sensitive to the needs of individual children and mothers, when they cannot even be responsive to Members of Congress—no matter what their budget constraints may be? I have here a copy of a recent letter circulated by my colleague, Pete McCloskey, another member of the California delegation.

It details the run-around members of the California delegation have gotten while trying to get HEW to pay attention to our complaints about section 223 of their cost control standards.

Thirty-five of us—Republican and Democrats alike—signed a letter to the Secretary of HEW on June 20, 1979 asking that HEW look into these regulations which are blatantly unfair to California hospitals.

Five months went by without a reply. We were completely ignored. We were told that regulations in HEW—just some kind of directive from HEW on whether or not it would change the regulations before the vote on hospital cost containment came up on November 15. HEW told us they thought we were too impatient—asking for adjustment and explanation of such a complex regulation in just 5 months. But as my colleague from California said in his letter to the health care financing administrator—no regulation can be that complex.

We still await the adjustment of that regulation by HEW.

This is a perfect example of what happens when the bureaucracy finds it can do whatever it wants. It promulgates regulations, and then ignores both congressional intent and congressional protests all too often.

This is exactly what my amendment is designed to correct.

My legislative veto amendment is the same language that we recently attached to the PTFRA bill, which passed the House overwhelmingly, 278 to 47.

It is the only way that rule or regulation shall not become effective if both Houses of Congress adopt a concurrent resolution of disapproval within 90 calendar days after the date of promulgation.

Additionally, if one Chamber of the House passes a resolution disapproving a regulation within 60 days of the promulgation of that regulation, and the other Chamber does not object within 30 days after transmittal, the regulation does not become effective.

If you have any doubts about the potential for promulgating HEW regulations—just remember, these are the same people who once tried to outlaw father-son sports banquet systems in the name of equal educational opportunity.

The CHAIRMAN. The time of the gentleman has expired.

At the request of Mr. Maguire and by unanimous consent, Mr. Lungren was allowed to proceed for 1 additional minute.

Mr. MAGUIRE. Mr. Chairman, I would yield to the gentleman just cited.

Mr. LUNGREN. Yes, I have, Mr. Chairman. Had we not had the track record of HEW in terms of administering its programs, dealing with health care providers especially in terms of the resistance we, as members of the California delegation, have received from the Secretary of HEW, in attempting to have an explanation of cost-reimbursement regulation deals with hospitals and how they adversely impact on Californians and the hospitals which serve them, I would perhaps have a better feel for what the gentleman is saying. Unfortunately, that has not been the case.

I do not believe this Congress is so insensitive to the fact that certain regulations must be in order that a program can come on line, that we will take and attempt to nitpick at every single regulation that comes on line.

Mr. Chairman, the fact of the matter is, without this sort of reference point, we will continue to have what we have at HEW, which is an absolute stonewalling against the attempts of Members of Congress just to get an explanation of regulations, and absolute studied ignorance of anything we have attempted to do in terms of making these regulations more usable and more consistent with the intent of the legislation that we have passed.

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

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

Mr. MAGUIRE. Mr. Chairman, the gentleman is well-intentioned and he is, in fact, concerned about agencies that make regulations that might not make a lot of sense as in the case of the gentleman just cited. I wonder if the gentleman has thought about the difference between having this Congress act on regulations of a broad policy nature, such as in the case of the Federal Trade Commission, when the Congress decided that those matters should come back, and the day-to-day functioning of a program and the regulations that are required on a day-to-day basis, once the regulations have been made. That is really the case that we have here.

Mr. Chairman, the gentleman's amendment, as I understand it, would get us involved every single time, or potentially get us involved every single time the agency made any of these numerous moves that it has to make to implement a program which, if this passes, we will be involved upon and the policy issues will be agreed upon and there will be no further policy issues for this Congress to review.

Has the gentleman contemplated the difference between those two types of cases?

Mr. LUNGREN. Yes, I have, Mr. Chairman. Had we not had the track record of HEW in terms of administering its program, dealing with health care providers especially in terms of the resistance we, as members of the California delegation, have received from the Secretary of HEW, in attempting to have an explanation of cost-reimbursement regulation deals with hospitals and how they adversely impact on Californians and the hospitals which serve them, I would perhaps have a better feel for what the gentleman is saying. Unfortunately, that has not been the case.

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Mr. MAGUIRE. Mr. Chairman, the gentleman's amendment is that we are going to take over the actual administration of programs if we adopt the gentleman's amendment. I think that is unthinkable. I would urge my colleagues to vote against it.

Mr. LUNGREN. Mr. Chairman, I would suggest that the gentleman's characterization is not correct, and also suggest that this amendment would not be necessary if we did not pass the gentleman's amendment. I think that is unthinkable. I would urge my colleagues to vote against it.

Mr. MAGUIRE. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, we have heard the case for a one-House veto made many times on this House floor, particularly when it deals with a regulatory agency or some regulatory function that is accomplished by the executive branch; but this is not a regulatory bill. This is legislation that would set forth guides to the States within which to manage their own CIPA programs. A one-House veto under these circumstances, I think, would only accomplish the purpose of delaying the regulations and would not give us that needed check that we ought to be exercising through diligent oversight.

We will have regulations. Why delay them when the regulations, at least in these circumstances, are only implementing a bill that provides a framework for the States to run a program that will extend to children who are not now covered under certain medical services and to improve coverage for those who are now covered under the program.

I do not think the amendment will do a tremendous amount of harm. But it will mean delay. And I think it is really unnecessary. I think it has more to do with the objection of my colleague, the gentleman from California, on some
other issue that he has with HEW than with the CHAP legislation. I do not think it is a good idea to put one-House veto language in a bill that is not even regulatory in nature; so I would urge that we defeat it.

Mr. LELAND. Mr. Chairman, I move to expedite the debate.

Mr. Chairman, I oppose the amendment offered by my colleague, the gentleman from California (Mr. LUNGREN), proposing a legislative veto provision for CHAP. There are several reasons why this amendment is unnecessary and inappropriate.

First, the bill already provides for tight congressional control over HEW activities. There are comprehensive requirements for the Department to carry out precise, congressionally defined objectives. Annual congressional oversight is also already mandated. In short, CHAP is not legislation which allows the Secretary great discretion in implementation; CHAP is not an open statutory grant of power, like the FTC authorization, which allows the agency to define its own scope of action. This legislation does not need the safeguard of a legislative veto to preserve our congressional intent, as defined precisely in the statute itself.

The legislative veto is a mischievous amendment. It suggests that we have the right to reflect on every regulation promulgated by the Secretary and to decide whether or not to veto each one. My colleagues, I suggest that if we do our job properly, conduct oversight of this program as required in the bill, that we do not need this additional workload.

Finally, and more important, what effect would a veto provision have on implementation of CHAP? While the Secretary—and the children of America—wait, we could well have to find time in our already overcrowded schedule to deliberate the propriety of many regulations required to do this. We do not have this time to do this. For every day that CHAP is not implemented, we deny critical health care to millions of poor children.

My colleagues, for all these reasons, I vote “no” on this amendment.

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

Mr. LELAND. I would be glad to yield.

Mr. SYMMS. Mr. Chairman, I thank the gentleman very much for yielding.

In light of the gentleman’s statement of position, would the gentleman then favor a sunset provision in the bill at some time in the future so that the Congress could overview the entire program, instead of just on regulation by regulation?

Mr. LELAND. At this point, I would not like to answer the question in the affirmative. I have no problems with sunset provisions. I do not recall the question being addressed during the hearings. Therefore, I have not really scrutinized the proposal.

Mr. SYMMS. Mr. Chairman, would the gentleman yield further?

Mr. LELAND. I would be glad to yield further.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for his answer, but I wonder if the Congress is too busy to oversee these programs, does the gentleman think there may be some point where we are starting too many programs?

Mr. LELAND. I think that the gentleman should address that question over all in terms of all the activities of the bureaucracies that administer the programs that we legislate.

I would not like to single out this particular program at this time in terms of the sunset provision, primarily because I feel it seriously encumbers at this time. I believe we should consider the CHAP bill from proceeding to establish what it is the intent the legislation represents.

Mr. WAXMAN. Mr. Chairman, would the gentleman yield?

Mr. LELAND. I would be glad to yield to my chairman.

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

I think a one-house veto is an excuse not to do the oversight work that is mandated to the Congress. I think people think that they adopt a sunset provision to cover a one-house veto that means there is going to be oversight.

But I think it ends up by being an excuse for why the Congress did not do the oversight work. It is a hard, time-consuming job of looking to see how the executive agencies are functioning.

I do not think we need this one-house veto proposal. And if a sunset provision is ever will also oppose that.

I wanted to share my views with the gentleman.

Mr. LELAND. Mr. Chairman, I certainly associate myself with the wisdom of my chairman.

I thank the gentleman very much.

Mr. DOUGHERTY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will be brief. It seems to me that those of us in this body who are frustrated with the bureaucracy have an opportunity on this amendment to send a signal to them that we expect a greater governmental concern. All we are doing in the Lungren amendment, from what I understand, is requiring that before the regulations would be implemented, they would be reviewed by Congress.

If the regulations are OK, if there is no problem, nothing would happen, they would be implemented; however, if a sufficient number of Members of this body or of the Senate had a problem with the regulations, we could deal with them up front, rather than going through the bureaucracy and trying to resolve what many of us consider very serious problems.

I think it is very simple. If you think the bureaucracy is running the programs to your satisfaction, then you would want to vote no; but if you think the bureaucracy is doing a job that will gratify the Congress, that indeed they are enacting regulations which are not either in the interest or the best interests of the congressional point of view, then I think you should support the Lungren amendment.

I would, therefore, urge my colleagues to join those of us who are frustrated with the bureaucracy and vote to accept this amendment.

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

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

Mr. LELAND. Mr. Chairman, I, too, am very frustrated with the problems of the bureaucracy as they proceed to implement programs similar to the CHAP program, but I do not think this is the appropriate time for us to deal with this. CHAP is a very serious program that deals with the involvement of more poor children in a very meaningful program. To pick on CHAP to signal HEW it seems to me is somewhat nonsensical at this time.

Mr. DOUGHERTY. Mr. Chairman, if I could respond to the gentleman, it is my time, I am one of the three Republicans who voted “aye” on the last budget resolution; so I have some concern for the social needs of poor children and other people, including urban societies.

Mr. LELAND. And I love the gentleman for that.

Mr. DOUGHERTY. But the fact of the matter is that this is one instance and hopefully as other bills come along dealing with the bureaucracy, we will also be able to put an oversight amendment on Government regulations.

Mr. JOHN L. BURTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I could address a question to the author of the amendment, my good friend, the gentleman from California (Mr. LUNGREN).

How is this going to work, procedurally?

Mr. LUNGREN. Mr. Chairman, all the gentleman yield?

Mr. JOHN L. BURTON. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, procedurally, it is the same thing we had in other legislation. The regulations would come before the House.

Mr. JOHN L. BURTON. How do they come before the House? I am serious now.

Mr. LUNGREN. I believe it is within 90 days that we must act after they have been submitted for our review. We have to determine period of time in which to review the regulations.

Mr. JOHN L. BURTON. How do we review it? Is it referred to the committee?

Mr. LUNGREN. It is referred to the committee.

Mr. JOHN L. BURTON. The committee would either approve or disapprove and then send it on to it.

Mr. LUNGREN. Mr. Chairman, if they approve it, we, in the full House, would not consider it. It comes before the House only under certain circumstances. If both Houses act in 90 days to disapprove, the regulations do not go into effect.

If one House disapproves of it within 60 days and then sends it to the other House, and the other House in its own right disapproves of it within 30 days after transmittal, then that essentially is a one-House veto.

Mr. JOHN L. BURTON. Mr. Chairman, I would just submit, first, that it seems rather burdensome, if we are
December 11, 1979

CONGRESSIONAL RECORD—HOUSE 35435

Dealing with the health of children, to impose the veto restriction on this.

Second, I am wondering if maybe someday some Member on that side of the aisle could come forward while recognizing that and that would be good; maybe the distinguished minority whip, the gentleman from Illinois (Mr. Michener), could do it for us—to find out how much it would cost the taxpayers for us to engage in these vetoes in consideration of measures.

We are here almost the whole year doing a great deal of the people's work, and maybe we could set aside a legislative veto month.

Has the gentleman given any consideration to the fact that this program—and I am serious—may not really be the proper place to tie it down with that type of procedure by which we would want to hamstring HEW?

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

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

Mr. LUNGREN. I will yield to my distinguished friend, the gentleman from California, and then I will yield to the distinguished "Senator" from Idaho.

Mr. LUNGREN. Mr. Chairman, because we have had the legislative veto in this particular program. This veto power would seem to be particularly in order if we feel this bill is the proper vehicle to provide those services that some people think are absolutely necessary, but which have been imposed and concurrent siphoning of money away from those to whom we wanted to give the benefits, I would think we would want to have the legislative veto in this particular program.

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

Mr. JOHN L. BURTON. I am happy to yield to my friend the gentleman from Idaho.

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

Mr. JOHN L. BURTON. I would like to commend the gentleman on his necktie, by the way.

Mr. SYMMS. I appreciate that very much, it is in the spirit of the Christmas season that I wear it.

Mr. Chairman, there is one other factor, and that is that if we have a legislative veto, then the Members of this body must assume responsibility for the constituencies and accept the fact that they are in fact responsible for the bureaucracy in Washington, because the same Congress that grants authority can also take it away. I think this is the underling fact.

I think this is the real concept of the legislative veto, so that Congress can no longer go home and say, "Yes, we passed the bill, but we did not intend that the people would be subjected to these regulations."

Mr. JOHN L. BURTON. Mr. Chairman, would my friend not agree that there may be an easier way to take authority away from the bureaucracy?

Mr. SYMMS. Yes, I do. We might not enact the program in the first place. We could return the revenues to the States where they belong.

Mr. JOHN L. BURTON. The gentleman is not suggesting a return to the almshouse; is he? He does not think we ought to reinitiate the workshops of Oliver Twist for our sick children; does he?

Mr. SYMMS. Mr. Chairman, what I recommend is that we return both the responsibilities and the revenues and the right to assume the responsibilities and use the revenues back to the States and let them take care of solving these problems.

Mr. JOHN L. BURTON. Mr. Chairman, I hope the gentleman will be supporting us in the counter-cyclical program that will be returning revenues to the States and cities.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LUNGREN).

The amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. SYMMS: Page 40, line 35, strike out "(2) Notwithstanding any other provision of this section, this Act shall not apply after September 30, 1980, and amendments made by this Act shall not apply to medical assistance provided, under a State plan approved under title XIX of the Social Security Act, after September 30, 1984."

Page 41, line 1, strike out "(2)" and insert in lieu thereof "(3)".

Mr. SYMMS. Mr. Chairman, I rise today to offer an amendment to H.R. 4962, the Child Health Insurance Act, which will impose a sunset provision on the bill in 1984.

I believe on Thursday of last week, we debated a similar issue when considering the Stockham amendment. However, it is vitally important that the Congress impose some control on this legislation which will insulate that more insured, the individuals who are supposed to be served are actually being helped.

By 1984, the States should have had adequate time to install viable programs and at that point the Congress should review the progress of these programs to determine if CHAP has been cost effective and achieved the laudable goals which were set or if the States have failed. All too often, as you know, many of the moneys authorized and appropriated by this body are funneled off moneys lost due to human error, mismanagement, and so forth. And, it seems that moneys funding social service programs oftentimes dissipate at a higher rate as they filter through the layers of bureaucracy and other programs which they fund. Therefore, it is necessary that we install a mechanism which will force Congress to be responsible for the viability of the programs it establishes.

I doubt that most Members here today would argue against the cost effectiveness of preventive health care, however, I would hope that we, in passing this legislation, would want to insure that the best program possible is implemented. We must realize the programs are not willing to take the responsibility of controlling and overseeing its effectiveness, who, may I ask, some there would want to hamstring HEW?

My amendment will not in any way affect the authorizing level of funding for the program, the authorization levels are equal to the amounts which CBO estimated we would take in.

Presently, uncontrollable spending constitutes 78 percent of all Federal outlays, and three-fourths of them are entitlements. Now, I am sure that the intentions of the Congress in establishing these programs were good, however, experience should have taught us that establishing programs is only doing half the job. We must also insure that the programs we establish are effective. We do not help anybody by simply doing out money and not making sure that the programs are put to the test. The medicaid program alone loses approximately 10 to 15 percent of its funding annually. That figure, in itself, should encourage us to institute measures in this program which will provide incentives to be more cost efficient.

If we are serious about controlling spending and insuring that we are getting the most for our money, it is incumbent upon us to adopt legislation which will provide for a review of the program we are establishing.

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

Mr. Chairman, unlike the last amendment, which I did not think was necessary but which probably will not do a lot of harm, this amendment could do a great deal of harm. Therefore, I want to open up the floor and ask the colleagues to join me in defeating the amendment. If we have a sunset provision in a bill to encourage the States to reach out and bring children into a program for medical services and then to have followup services, we would give incentives to the States to do this job on the one hand, but at the same time it would be a signal to Congress that the Federal commitment to assist in funding this program might not continue.

This could inhibit State action to seek out new eligibles and bring them into the program. It could deter effective implementation, which is the very purpose of this bill. If a program contains a sunset provision, and it is a signal by virtue of the sunset provision that the Federal commitment to assist in funding this program might not continue.

Mr. SYMMS. Mr. Chairman, will the gentleman yield on that point?

Mr. WAXMAN. I yield to the gentleman from Idaho.
Mr. SYMMS. I thank the gentleman for yielding.

Mr. Chairman, I think if the program is going to be working out as it is, then it could be that some delay might come about. I would agree.

Mr. WAXMAN. I think in some cases we can do more good by oversight than we can by adopting new legislation and new programs. But what you are saying suggests that might occur when the program is not going to be working out as it is, then it could be that some delay might come about. I would agree.

Mr. WAXMAN. But I think if we have so many items on our agenda to renew or have the legislation expire, what we would end up doing, as a practical matter, is just to scale down the legislation without giving it the oversight perspective that we ought to get into.

Mr. SYMMS. The way it is today, we get no time on it at all, I say to the chairman.

Mr. WAXMAN. We ought to be doing oversight. If the department that is in charge of this proposal does not do its job appropriately, we now have a one-house veto to correct the regulations. We should be doing oversight throughout the program. I think that we run a danger in having a sunset provision that could mean that the program could terminate and the children will be without services, and that could adversely affect vigorous State implementation of the program.

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

Mr. Chairman, if I could, I would like to engage mv colleague, the gentleman from California in their consideration of some of the points that have just been discussed. Is the gentleman aware that the committee has in fact spent the last 3 years, evaluating the EPSDT program, the early periodic screening, diagnostic, and treatment program for the delivery of preventive health care services to poor children, and that this bill that is before us today is in fact the result of that oversight effort?

Mr. SYMMS. If the gentleman will yield, I think it important for his oversight effort. I am not taking anything away from the committee or the gentleman from New Jersey or the gentleman from California in their efforts in this.

The fact is under this program, the only reason we would not stop this program. This amendment would merely state unequivocally that the Congress will come back and re-examine the situation in 1984, and that will be ample time for these programs to be in place. We very simply will have an oversight of it. We will be forced to have an oversight of it. Very much as this committee has had today, because we will have to go back and examine what has happened, what was intended to happen, and what you foresee to happen in the future, and it will be a positive way of doing the oversight effort of the program is carried out the way those who here today intended it to be.

Mr. MAGUIRE. Mr. Chairman, I hesitate to ask the gentleman this question, because I know how busy he is, and I do not want to say what the answer is, but would the gentleman take the same approach on med­icaid or medicare or social security?

Mr. SYMMS. It would be very worth while for the Congress to ex­amine all Government activities, with the intention of whether or not they are achieving the goals that Congress originally intended.

Mr. MAGUIRE. Would the gentleman put a sunset provision on medicare or on the social security bill, for example?

Mr. SYMMS. The social security bill goes back even before the gentleman from Idaho, so it may be that it is a little late for that. But I think it is getting long now. The gentleman is comparing apples with oranges.

Mr. MAGUIRE. No. Mr. SYMMS, I am talking about starting a new entitlement. Why not examine what we have done? That is part of the reason why we cannot get the budget in balance.

Mr. MAGUIRE. If I could correct the gentleman somewhat, this is a continuation of an existing entitlement program in improved form.

Mr. SYMMS. It is going to be an expansion of an entitlement program, is it not?

Mr. MAGUIRE. It is going to be a much more effective and cost effective program, which de­sult from the 3 years of oversight that we have done.

But let me ask the gentleman this, since he has not directly answered the question on social security. That does give me some hope that perhaps the gentleman would not be rushing in to suggest a sunset provision for this particular amendment at this particular time?

Mr. SYMMS. Because we have the enti­tlement program before us here today, that is all. I think the philosophy behind a sunset provision in a program which depends for its cost effectiveness on reaching out and knowing that when children will be brought into the program they will be served. If the gentleman is not emphatic in favor of such a sunset provision for medicare, covering adults, or for medicare, covering senior citizens, why is the gentleman selecting out children for a particular amendment at this particular time?
Mr. SYMMES. No.

Mr. MAGUIRE. So the gentleman is opposed to the bill, whether or not his amendment has been accepted.

Mr. SYMMES. The gentleman from Idaho believes that the proper way to approach the problem is to return the revenues and the rights for those revenues and the responsibilities back to the people in the respective 50 States and allow them the privilege of taking care of their own needy children. I think that would be a more fiscally sound and libertarian approach than to try to have some massive Federal program, which all too often we end up with, high, laudable goals, but the people who need the help are the last ones to get the help at the bottom end of the spectrum. I would say to the gentleman that it would make the bill much more agreeable to the gentleman from Idaho if the sunset provision is in it.

THE CHAIRMAN. The time of the gentleman from New Jersey (Mr. Maguire) has expired.

[By unanimous consent, Mr. Maguire was allowed to proceed for 1 additional minute.]

Mr. MAGUIRE. Mr. Chairman, I would just say to the gentleman that the very inequitable treatment under the current program between States is one of the major reasons for the amendments that we have before us in this bill to improve the existing program. I would plead with my colleagues in keep in mind that the gentleman is opposed to the entire bill here. In fact, the amendment he is proposing would be terribly harmful to the objectives of the entire bill, and just at a time when we are starting to realize the cost savings under this program, it would be just at that time when the whole program was placed in jeopardy and we would not be able to plan properly.

Mr. Chairman, I urge that the gentleman's amendment be defeated.

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

Mr. Chairman, I strongly oppose this amendment to add a sunset provision to the CHAP program. There is no such arbitrary treatment on the part of medicaid so I would urge my colleagues to reject this amendment.

Moreover, the intent of this amendment can be achieved without amending the bill. Our committee already has jurisdiction over medicaid—and we can conduct oversight hearings at any time. I can assure my colleagues that we will be following implementation of this legislation very closely and that we can consider the need for legislative action at any time rather than at some arbitrary time.

In addition, the effect of an expiration date on this program could have a disastrous effect on the operation of CHAP and States would be reluctant to seek out additional poor children because of the possibility that the program might be terminated if Congress failed to act. Poor children are likely to be denied needed services.

In addition, this amendment would terminate the program at the very time when we are bringing in the additional poor children it is intended to serve.
Mr. PHILIP M. CRANE. Mr. Chairman, I offer an amendment.

The amendment is as follows: Amendment offered by Mr. Waxman: Page 34, line 14, strike out "(4)" and insert in lieu thereof "(3)" Page 34, line 1, strike out "sections" and insert in lieu thereof "section."

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

Mr. PHILIP M. CRANE. Mr. Chairman, I offer an amendment.

The amendment is as follows: Amendment offered by Mr. PHILIP M. CRANE: Page 38, line 15, insert the following new subsection:

(3) (a) No officer, employee, or agent of the Federal Government or of an organization conducting medical reviews for purposes of carrying out the study provided for in subsection (c) (1) of this section shall inspect or have access to any part of an individually identifiable medical record (as described in subsection (e) of this section) of a patient which relates to medical care not provided directly by the Federal Government or paid for in whole or in part under a Federal program or under a program receiving Federal financial assistance, unless the patient has authorized such disclosure and inspection in accordance with subsection (b). (b) A patient authorizes disclosure and inspection of a medical record for purposes of subsection (a) if, in a signed and dated statement, he—

(1) authorizes the disclosure and inspection for a medical purpose; (2) identifies the medical record authorized to be disclosed and inspected; and (3) specifies the agencies which may inspect the record and which the record may be disclosed.

(c) For purposes of this section:

(1) The term "individually identifiable medical record" means a medical, psychiatric, or dental record concerning an individual that is in a form which identifies the individual or permits identification of the individual through means (whether direct or indirect) available to the public.

(2) The term "medical care" includes preventive and primary medical, psychiatric, and dental assessments, care and treatment.

Mr. WAXMAN. I would like to make an inquiry of the gentleman from Illinois (Mr. Philip M. Crane) who has offered the amendment, if I might. The section (2) (a) on page 38 following line 15 as it would be inserted by this amendment authorizes individuals without the written consent of the patient involved.

Mr. PHILIP M. CRANE. If the gentleman from California (Mr. Waxman) insists upon his point of order, I might, before I pursue whether I have a point of order.

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December 11, 1979

CONGRESSIONAL RECORD — HOUSE

35439

quire, is it fair to say that the limitation, "No officer, employee, or agent of the Federal Government" pertains specifically to a study provided for in subsection (a) (1)? Is it specifically addressed to carrying out that study?

Mr. PHILIP M. CRANE. In the process of carrying out the study, my understanding is there is a potential for examination, obviously, of medical records, and to the extent there is, then I think if they are identifiable medical records, they are privileged for those that come into the hands of Government officials un­beknownst to the patient.

Mr. WAXMAN. But I am trying to ascertain whether it is limited to carrying out the study provided for in subsection (a) (1) and the medical records are viewed only for the purpose of carrying out that study.

Mr. PHILIP M. CRANE. Does the gentleman from Illinois (Mr. VELIZO) wish to be heard on the point of order?

Mr. WAXMAN. Yes.

Mr. PHILIP M. CRANE. No, it is not. That would not be my understanding of the amendment.

The CHAIRMAN. Does the gentleman from California (Mr. WAXMAN) insist on his point of order?

Mr. WAXMAN. Mr. Chairman, I am going to pursue my point of order, then.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WAXMAN. Mr. Chairman, as I read this section without the limitation that is tried to determine was included there, I believe it is overly broad and, therefore, not germane, and make a point of order of the fact that it is not germane to the bill before us.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PHILIP M. CRANE) wish to be heard on the point of order?

Mr. PHILIP M. CRANE. I do, Mr. Chairman. I think it is, indeed, germane because, Mr. Chairman, the language of the amendment, I think, addresses the specific narrow concern that the Chairman of the Committee which he bases his point of order, but, on the other hand, there are implications in the language of the bill that I think this additional language in this paragraph addresses, and that is the potential to go beyond those narrow constraints that I think the gentleman, the Chairman, would presume exist within this legislation.

I am less sure and less confident that those restraints are there. I would argue that the specificity of the first part of this sentence that "No officer, employee, or agent of the Federal Government or of an agency conducting medical reviews for purposes of carrying out the study provided for in" that subsection indicated is language narrow enough to be germane to the intent of the bill.

The CHAIRMAN (Mr. VEITZ). Are there further Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chairman, in extending to and weighing the arguments, finds that the point of order is well taken. The argument seems to establish that the amendment offered by the gentleman from Illinois (Mr. PHILIP M. CRANE) could compromise the confidentiality of other medical records that would not otherwise be covered by the pending legislation and as such represents, then, too broad an amendment. This record could deal with additional information that would usually be under the confidentiality of physician-and-patient relationship, that would be outside the services covered through this program if the conduct of Federal officers is not to be confined to the carrying out of the study in section 14. Therefore, the Chair states that the point of order is well taken.

Mr. PHILIP M. CRANE. Mr. Chairman, may I direct a question to the chairman of the committee?

The CHAIRMAN. The point of order is sustained. The amendment is ruled out of order.

The Chair recognizes the gentleman from Missouri (Mr. VOLKMERT).

Mr. VOLKMERT. Mr. Chairman, I rise in support of the legislation before us and ask all Members to vote for it.

I can well remember earlier this year debating on the floor of the House an economic assistance to foreign countries. Many times I heard during that debate that we should take care of our own people first and that we should not be spending the taxpayers' money. I point out to everyone here right now that this is their opportunity to take care to a great extent of the health care of people who really need it—many of the poor. Also one thing I ask Mr. Chairman is that we now have incorporated in the bill to provide for pre-care treatment and diagnostic services so that we can have preventive care for our children and bring them up healthy and also for pregnant women.

I wish to congratulate the chairman and also the ranking minority member for the legislation.

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

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DANNEKEYER).

Mr. DANNEKEYER. Mr. Chairman, perhaps some of the Members have seen a book written by Martin Anderson entitled "Welfare, the Political Economy of Poverty in the United States." This book came out last year and in chapter 1 the author stated:

The "war on poverty" that began in 1964 has been won. The growth of jobs and income in the private economy, combined with an explosive increase in government spending for welfare and income transfer programs, has virtually eliminated poverty in the United States. Any Americans who truly cannot care for themselves are now eligible for generous government aid in the form of cash, medical benefits, food stamps, housing, and other services.

Then Anderson goes on to point out that the estimated cost of fighting World War II was $288 billion. By comparison, that subsection (a) and the medical records

Mr. MAGUIRE. Mr. Chairman, I also want to take the ranking minority member, the gentleman from Kentucky (Mr. CARTER), for the extraordinary work he has done on this legislation over the past 3 years and miss Mr. CARTER and I hope that we can give him a sendoff with a tremendous vote in favor of this bill which is very much his bill.

Mr. VOLKMERT. Mr. Chairman, let us do this with children under the existing medicaid program. Let us pass this bill today.

Mr. FLORIO. Mr. Chairman, I rise in support of the Child Health Assurance Act of 1979 (H.R. 4862). I am proud to have both served on the committee which developed this legislation for a child health assurance program and coproduced the legislation when it was first introduced. The purpose of CHAP are many and I urge my colleagues to join me in support of this bill which will make sorely needed changes in our federally supported health care for low-income children and pregnant women.

Our current federally supported health care system for low-income children does not go far enough. These programs alone are not sufficient to respond adequately to the health care needs of poor women and children. There are two basic reasons for this shortcoming. Current programs fail to cover many low-income children and pregnant women and fail to place enough emphasis on preventive care.

Medicaid is essentially a payment program. It assures eligible persons that when health care is needed, the bill will be paid. In 1987, Congress, recognizing the need to do more for children than in sure financial access, enacted the early and periodic screening diagnosis and treatment program as part of medicaid specifically to meet the health care needs of pregnant women including Outreach and health status monitoring programs.

However, the program has been fraught with serious shortcomings. While children represent over 40 percent of our medicaid-eligible population, they
account for a relatively small proportion of Medicaid expenditures—just over 15 percent. Medicaid fails to cover many low-income children and their parents. Indeed, in the first place. Although 11 million children are eligible for Medicaid, another 7 million children who live in families below the Federal poverty level are not covered. Some of them are ineligible because they live in two-parent families, others because their family income is slightly above relevant Federal poverty standards. Furthermore, over 250,000 pregnant women with incomes below the poverty level are not covered because either they live in two-parent families or have income just above State welfare eligibility.

Moreover, some essential child health services are severely restricted at State discretion. Current law requires States to provide dental, hearing, and vision services only to children screened under EPSDT. Other children may be denied these vital services. Further, treatment for mental illness is often so limited that only one or two classes of drugs are provided, and at the same time increasing the Federal share of funds for each child. CHAP, as pointed out several days ago by my colleague from New Jersey (Mr. Maguire), would not create an entirely new system. Rather it sets to right many of the wrongs inherent in the existing EPSDT program.

By focusing Federal efforts on preventative and comprehensive health care for all eligible children under 18 who are members of families whose income is less than the Federal poverty level or the applicable State Medicaid standard, we can assure, through CHAP, that this Nation's neediest children have access to health care. By mandating a greater variety of health services to be underwritten, and at the same time increasing the Federal share of funds for each State, we can assure that children in one State are not suffering a lack of preventive services, and others in a different State receiving a fair share. By providing prenatal and neonatal care to the low-income pregnant woman, we can help assure that her offspring are born, and born without many of the heartbreaking effects of poverty—malnutrition and birth defects.

Many of my colleagues have cited the actual cost savings which will accrue as the result of CHAP's implementation—the effects of early diagnosis and treatment. New Jersey can have as much as $4.2 million in State costs in CHAP. However, it is equally important to speak of the savings in terms of human suffering and loss of productivity. I am thinking particularly of the child who under EPSDT would have been labeled mentally ill, mentally retarded, or developmentally disabled and who, more likely than not, would not have received treatment. There is a continuing concern that stigmatizing label for life, limiting their chance for a productive future. But CHAP offers treatment—treatment not hitherto mandated under Medicaid: treatment which can make the difference between a life of dependency and independence.

This is just one group of many who would benefit from CHAP. Our future is in the hands of our Nation's children, our healthy children. Let us not damn the low-income child twice, once by the poverty into which he or she has been born and once again by physical or mental disability.

In this last month of the International Year of the Child, I can think of no greater fitting tribute than to pass this critical legislation. Therefore I urge my colleagues to vote for and support passage of the Child Health Assurance program, H.R. 4962.

Mr. MARKER. Mr. Chairman, the health of our children's health care is of the utmost concern to all of us. The Child Health Assurance Act (H.R. 4962) (CHAP) addresses this concern in a very positive way. For the first time, millions of low-income children would receive badly needed basic health care.

There are many features of this legislation that deserve special mention. For example, CHAP would extend Medicaid eligibility to children not presently on Medicaid but whose families cannot afford basic health care; for example, children in low-income, intact families. CHAP would establish a national minimum standard for access to health care services for children and pregnant women. Further, a child health assurance program would replace the underfunded, early screening program (EPSDT).

CHAP is consistent with Congress concern for containing spiraling health costs. Indeed, its emphasis on preventive care; for example, would allow a shift of costs from acute to chronic care. CHAP's upper age limit is 18, with greater access to more medical care and followup services. CHAP would allow a shift of emphasis from treatment to preventive services for these children. CHAP would provide Massachusetts with an additional $6 to $8 million to improve existing programs and establish new ones. For example, the particular needs of a group of needy children; namely, adolescents, would now be addressed. Each year in Massachusetts, 3,000 to 5,000 teenage girls give birth. CHAP would improve both prenatal and postnatal care for these girls and their newborn babies.

For these and many other reasons, I am a cosponsor of this legislation. I wish to commend the efforts of Mr. Maguire, the sponsor of H.R. 4962, and the work of Mr. Waxman and his subcommittee for the excellent job they have done on this legislation.

CHAP would improve the effectiveness of the Medicaid program in relation to children and pregnant women. Its passage is crucial to the well-being of millions of poor children who now suffer needlessly and costly pain. If we are serious about containing costs and insuring the health of American children and families, CHAP must be passed.

Mr. FRENZEL. Mr. Chairman, as an expansion of the early periodic screening, there is even further justification for an annual review. Therefore, I intend to support Mr. Stockman's amendment and urge my colleagues to join me.

This is a good bill and I hope it will be passed by this body, but without the entitlement provisions.

Mr. DOWNEY. Mr. Chairman, I want to express my strong support for the Child Health Assistance Act.

This bill will guarantee poor children their right to preventative health care. It comes at a time when national focus is turning to proposals for health insurance for all Americans. Children currently receive health care only by virtue of their relationship to an adult, or because they are disabled. Under CHAP, children will become entitled to good health care in their own right. Whether they have two parents, one parent, are in foster care, or adopted—variables in family size, and circumstances will not determine their entitlement. In essence, CHAP remains the beneficiary of the program, rather than the adult who is responsible for the child. This new emphasis would insure uninterrupted care.

This program rewards the individual States which do a good job identifying and delivering health care to healthy children. On the other hand, it penalizes States which do not. Financial incentives are provided to States to maintain per child standards of quality and excellence. Moreover, CHAP requires States to allow nonmedicaid poor individuals and families to qualify for the program, as Minnesota has done on a reduced-fee basis. Finally, CHAP encourages the participation of health maintenance organizations (HMO's) in the program to enable beneficiaries to have their health care covered in an HMO.

While I intend to support the bill, I feel that its primary shortcoming is the greatly expanded entitlement program it authorizes. I share Mr. Stockman's concern that this program ought to be subject to an annual review of these increasing Federal expenditures. As the committee report specifies a study of the duplication of existing programs of services, it is even further justification for an annual review. Therefore, I intend to support Mr. Stockman amendment and urge my colleagues to join me.
I am convinced that the Child Health Assurance Act is a moral and legal obligation of all of us to the children of this Nation. The CHAIRMAN. All time has expired. 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. Vento, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having under consideration the bill (H. R. 4962) to amend title XIX of the Social Security Act to strengthen and improve Medicaid services to low-income children and pregnant women, and for other purposes, pursuant to House Resolution 487, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

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

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.

**MOTION TO RECOMMIT OFFERED BY MR. DANNEMEYER**

Mr. DANNEMEYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The question is, Is the gentleman opposed to the bill?

Mr. DANNEMEYER. Mr. Speaker, I am opposed to the bill.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk reads as follows: Mr. DANNEMEYER moves to recommit the bill, H.R. 4962, to the Committee on Interstate and Foreign Commerce with instructions to report the bill back to the House forthwith with the following amendment:

On page 13, after line 9, insert the following new subsection:

"Section 1008(a)(4)(C) is amended by adding at the end thereof the following: 'Provided, That, such services and supplies made available to minors pursuant to this subsection shall only be provided upon the consent of the parent or legal guardian of said minor.'"

On page 13, line 10, strike "(2)" and insert in lieu thereof "(3)".

Mr. DANNEMEYER. Mr. Speaker, this amendment was offered last Thursday by this Member. There was a division asked for and a rollcall asked for. Needless to say, that rollcall was not achieved. That was not one of the reasons this Member has elected to pursue the motion to recommit to give the Members of our body the opportunity of voting on a very important feature of this legislation that I think deserves the close attention of each and every one of us.

Mr. Speaker, specifically this proposed motion to recommit will entail a philosophical concern over who really controls family life in this country. Do parents control the education their children will receive in the area of sex education and family planning, or is that activity, like so many others in our culture, to be taken over by the States?

The language of the motion makes very clear that, insofar as family planning services and supplies furnished directly to the family unit—children under the age—including minors who can be considered to be sexually active, who are eligible under the State plan, and who desire family planning, and are concerned, those services and supplies can only be rendered to minors only on the consent of the parent or legal guardian of the minor.

Mr. Speaker, the philosophical question at the bottom of this whole issue is a confrontation between the philosophy of permissiveness, on the one hand, and the philosophy of parental consent, on the other.

Earlier today, this House considered the subject of abortion and the desire to have that subject extended to what extent should the Government decide who will have control over the lives of the people in this country.

I urge a 'aye' vote.

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

Mr. WAXMAN. Mr. Speaker, I rise in support of its enactment. And I would like to give special recognition to the Honorable HENRY A. WAXMAN, who has been a leader in this area and has worked so long and so hard to develop the CHAP bill and to make it what it is today. First, I would like to commend my distinguished chairman, the Honorable HENRY A. WAXMAN, who has strongly supported this legislation and under whose excellent leadership this bill has been successfully guided through the legislative process. In addition, I would like to commend my distinguished colleague, Mr. ANDREW MAGUIRE, who has been a vital and active proponent of this legislation and who has been working on this legislation with me for 3 years. I also want to commend my good friends RICHARDSON PREYER and LELAND as well, who know how important this legislation is and who have spoken so strongly and articulate in support of its enactment. And I would like to give special recognition to the distinguished chairman of the Commit-
The SPEAKER. The question is on the motion to recommit. Pursuant to the provisions of clause 5, rule XV, the Chair announces that he will allow a minimum of 5 minutes of the period of time within which a vote by electronic device, if ordered, will be taken on the passage of the bill. Members will record their presence by electronic device.

The pending vote on the motion to recommit will take 15 minutes. The vote on final passage of the bill, if ordered, will take 5 minutes. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 27, noes 93, not voting 45, as follows:

[YEAR 1979, ROLL NUMBER 714]
CONFERENCE REPORT ON H.R. 5359, PROVISIONS OF DEFENSE APPROPRIATION ACT, 1980

Mr. ADDABBO submitted the following conference report and statement on the bill (H.R. 5359) making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5359) making appropriations for the Department of Defense for the fiscal year ending September 30, 1980, and for other purposes, having had the same under consideration, agree to recommend and do recommend to their respective Houses as follows:

The committee of conference on the disagreements of the Senate in its junior year class (Military Science 3) in lieu of the sum proposed by said amendment insert "$2,684,800,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,857,256,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,089,457,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$686,400,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,515,368,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,915,368,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,707,400,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,946,488,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,840,750,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,826,214,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,204,444,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$996,438,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,146,800,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,435,410,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$712,600,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$834,600,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,571,850,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,590,056,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,965,240,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment insert "$820,185,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment insert "$1,037,022,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: Sec. 762. No appropriation contained in this Act shall be available to fund any costs of a Senior Reserve Officers' Training Corps unit except to complete training(3)}

December 11, 1979

CONGRESSIONAL RECORD—HOUSE

35443

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the section number in said amendment, the Senate agree to the same.

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: Sec. 762. None of the funds provided by this Act shall be used to perform abortions except for cases where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the viability of the fetus when such rape or incest has been reported promptly to a law enforcement agency or public health service.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

And the Senate agree to the same.

And the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to change the section number from section 769 to section 767.

And the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to change the section number from section 768 to section 767.

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to change the section number from section 770 to section 769.
Specific dollar amounts by military service will be reflected under each summary appropriation table.

### Up-or-out Moratorium

The Conference agreed to the House reduction of $227,000 but also added that speciality skills in shore areas may be selectively retained on active duty until eligible for retirement or until the skill area is otherwise fully staffed.

### Physician Assistants

The Conference agreed that each military service will be free to designate the appropriate rank for physician assistant training, and that such designation will not include commissioned status. The Conference further agreed that currently commissioned physician assistants may retain their commissions, but at no rank higher than O-4. Additionally, existing contracts that guarantee commissioned status after appropriate training may be honored.

### Recruiting Access to Local Schools

The Conferences direct the Department of Defense to increase its effort to enlist the help of Guard and Reserve units in arranging access to local high schools and colleges for recruiting personnel. Guard and Reserve members are well known and respected in the communities and can make a positive contribution in getting community support for the military services' recruiting. Such cooperative efforts would prove helpful to the Guard and Reserve units as well as the active services.

### Military Veterinary Services

The Conference agrees to a reduction of $3,865,000 and a realignment of the military veterinary structure as proposed by the House.

### Management Headquarters

The Conference agrees upon a reduction of $24,050,000 instead of $61,000,000 as recommended by the House in order to permit further transfers and to reduce only program growth. The Conferences expect the Department to properly identify personnel assigned to management headquarters and to ensure that the budget justification material for fiscal year 1981 clearly distinguishes between functional transfers and program growth.

### Army Guard and Reserve Full-Time Manpower

Both the House and Senate recognize the need to increase the full-time manning support for Army Guard and Reserve units. The House, however, expected that half of the $123,000,000 increase requested could be obtained by elimination of documented inefficiencies in the Army Reserve component management structure. The Conference agreed to provide $17,200,000 as provided by the Senate. The Conference also agreed that significant savings should be available beginning in fiscal year 1981 from elimination of unproductive management layers in the Army Reserve component. The Conference requested that no later than September 30, 1980, such a realignment be initiated and that no later than March 1, 1980, a report be made available identifying planned improvements.

### Army Recruiting Organization Structure

The Conference agreed to provide $4,250,000 deleted by the House. The Conference also agreed that, in lieu of the reorganization proposal suggested by the House, the Army should proceed with its own reorganization plan which the Army has indicated will exceed the economies desired by the House and can be initiated no later than October 1, 1980.

### Consolidation of Undergraduate Helicopter Pilot Training (UHPT)

For a number of years the Defense proposal to consolidate Navy UHPT with Army helicopter training has been the subject of considerable Congressional deliberation. The House has occupied many hours of Congressional hearings and debate on the floor, and has filled hundreds of thousands of dollars of data and data in the Congressional Record. Without exception, each year the Congress has denied the consolidation requests. To avoid starting the UHPT program and to accede to the Congressional mandate, positive action should be taken to include funds for necessary Navy assets in the FY 1980 supplemental, the FY 1981 budget and subsequent budget requests.

### Additional Language Items

The Conferences agreed that certain differences in report language should be resolved as follows: The Conference accepts as a part of the statement of managers the Senate report language addressing "Unit Rotation," "oversee non-sponsored detainees," "Space Available Travel," and Flight Training Test; and the House report language addressing "Language Training."
MILITARY PERSONNEL, MARINE CORPS
Amendment No. 3: Appropriates $2,089,457,000 instead of $2,094,100,000 as proposed by the Senate.

Summary: Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Man-year adjustments</td>
<td>0</td>
<td>-15,000</td>
<td>52,543</td>
<td>-35,043</td>
</tr>
<tr>
<td>Management headquarters</td>
<td>37,000</td>
<td>126,100</td>
<td>17,300</td>
<td>37,200</td>
</tr>
<tr>
<td>Do-I-yourself (DITY) moves</td>
<td>29,200</td>
<td>27,700</td>
<td>25,200</td>
<td>29,200</td>
</tr>
<tr>
<td>Naval Reserve strength financing</td>
<td>0</td>
<td>-2,200</td>
<td>-2,200</td>
<td>-2,200</td>
</tr>
<tr>
<td>Subsistence budget restrictions</td>
<td>36,100</td>
<td>35,560</td>
<td>35,600</td>
<td>35,600</td>
</tr>
<tr>
<td>Japanese import restrictions</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
</tr>
</tbody>
</table>

MILITARY PERSONNEL, AIR FORCE
Amendment No. 4: Reported in technical disagreement. The Managers on the part of the Senate will move to concur in the Senate amendment with an amendment appropriating $7,853,817,000 instead of $7,873,600,000 as proposed by the House. The Senators on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary: Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up-out or out</td>
<td>150</td>
<td>5,600</td>
<td>5,600</td>
<td>5,600</td>
</tr>
<tr>
<td>Severance pay for unemployment</td>
<td>7,500</td>
<td>5,800</td>
<td>5,800</td>
<td>5,800</td>
</tr>
<tr>
<td>Veteranians</td>
<td>300</td>
<td>300</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>Graduate education for officers</td>
<td>7,600</td>
<td>7,250</td>
<td>7,250</td>
<td>7,250</td>
</tr>
<tr>
<td>Air Force Specialty schools</td>
<td>39,900</td>
<td>38,800</td>
<td>38,800</td>
<td>38,800</td>
</tr>
<tr>
<td>Management headquarters</td>
<td>324,200</td>
<td>322,700</td>
<td>323,450</td>
<td>323,450</td>
</tr>
<tr>
<td>Panama deployment</td>
<td>23,000</td>
<td>22,500</td>
<td>22,500</td>
<td>22,500</td>
</tr>
<tr>
<td>Authorization adjustments</td>
<td>11,400</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Household goods</td>
<td>80,000</td>
<td>87,700</td>
<td>87,700</td>
<td>87,700</td>
</tr>
<tr>
<td>Do-I-yourself (DITY) moves</td>
<td>900</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Excess trailer allowances</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Maintenance, air launched missile</td>
<td>12,500</td>
<td>12,000</td>
<td>12,000</td>
<td>12,000</td>
</tr>
<tr>
<td>Naval Reserve strength financing</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

RESERVE PERSONNEL, ARMY
Amendment No. 5: Appropriates $606,400,000 instead of $601,900,000 as proposed by the Senate.

Summary: Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time manning</td>
<td>8,300</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
</tr>
<tr>
<td>Overstrength units</td>
<td>600</td>
<td>560</td>
<td>560</td>
<td>560</td>
</tr>
<tr>
<td>Pay group F</td>
<td>32,300</td>
<td>32,300</td>
<td>32,300</td>
<td>32,300</td>
</tr>
<tr>
<td>Items not in conference</td>
<td>556,400</td>
<td>553,500</td>
<td>553,500</td>
<td>553,500</td>
</tr>
<tr>
<td>Total, Reserve personnel, Army</td>
<td>597,690</td>
<td>591,300</td>
<td>596,800</td>
<td>596,800</td>
</tr>
</tbody>
</table>

RESERVE PERSONNEL, MARINE CORPS
Amendment No. 6: Appropriates $88,100,000 instead of $88,400,000 as proposed by the Senate.

Summary: Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full-time manning</td>
<td>8,300</td>
<td>5,200</td>
<td>5,200</td>
<td>5,200</td>
</tr>
<tr>
<td>Overstrength units</td>
<td>600</td>
<td>560</td>
<td>560</td>
<td>560</td>
</tr>
<tr>
<td>Pay group F</td>
<td>32,300</td>
<td>32,300</td>
<td>32,300</td>
<td>32,300</td>
</tr>
<tr>
<td>Items not in conference</td>
<td>556,400</td>
<td>553,500</td>
<td>553,500</td>
<td>553,500</td>
</tr>
<tr>
<td>Total, Reserve personnel, Marine Corps</td>
<td>597,690</td>
<td>591,300</td>
<td>596,800</td>
<td>596,800</td>
</tr>
</tbody>
</table>

RESERVE PERSONNEL, AIR FORCE
Amendment No. 7: Appropriates $214,400,000 instead of $213,600,000 as proposed by the House.

Summary: Items for which the conferees have provided specific guidance have been addressed elsewhere. The agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training participation</td>
<td>0</td>
<td>600</td>
<td>0</td>
<td>300</td>
</tr>
<tr>
<td>Items not in conference</td>
<td>87,000</td>
<td>87,800</td>
<td>87,800</td>
<td>87,800</td>
</tr>
<tr>
<td>Total, Reserve personnel, Air Force Corps</td>
<td>87,000</td>
<td>88,400</td>
<td>87,800</td>
<td>88,100</td>
</tr>
</tbody>
</table>

TITLE III—OPERATION AND MAINTENANCE
The following items addressed by the conferees apply to all Operation and Maintenance appropriations of the Department of Defense.

Creation of a Defense Traffic Management Agency
The Senate agreed with the House recommendation that the Department of Defense proceed to develop a plan for consolidating the Military Sealift Command (MSC) and the Military Traffic Management Command (MTMC) and/or create a single traffic management agency. However, the Senate cautioned against precipitous action that would result in consolidating inland traffic functions and MSC/MTMC command and regional headquarters at this time. In conference, it was agreed that the Senate language did not preclude any consolidation or elimination of duplicative functions within these commands that could be accomplished immediately in the interest of economy and cost effectiveness.

Transportation industrial funds
The House receded to the Senate position with respect to the continued operation of the transportation industrial funds during FY 1980. In addition, the conferees agreed that the Senate should submit all justification data in support of the FY 1981 requests. In addition, a commercial trucking firm. Visibility of intransit cargo
The conferees agreed that funding for the Visibility of Intransit Cargo System should continue as proposed by the Senate pending consolidation and coordination of various transportation/supply management systems in the Department of Defense.

Service support contracts
The House receded the request for contract studies and analyses/management and engineering support and consulting.
services by $800.0 million, of which $271.6 million was deleted from the Air Force Operation and Maintenance appropriation. The Senate made a similar reduction of $100.0 million but allocated the reduction to the Operations and Maintenance appropriation as follows: Army, $250.0 million; Navy, $350.0 million; and Air Force, $350.0 million.

The conference agreed to a total reduction of $150.0 million allocated as follows: Army, $250.0 million; Navy, $350.0 million; and Air Force, $350.0 million; and Defense Agencies, $850.0 million.

In reaching agreement on this issue, the conference reemphasized the need for the Department of Defense to attempt to negotiate all contracts of this type (those involving mostly personnel services) within the Administration's wage and price guidelines. Also, the Department should proceed with issuing of implementing instruction for OMB Bulletin 78-11, "Guidelines for the Use of Consulting Services" issued May 5, 1978. There appears to be a need to establish guidelines for the contracting of management and engineering services separate from commercial and industrial activities which are currently classified under Federal In-House Services (OMB Circular A-76) are in existence. There is a need for the Department to reconsider the use of level-of-effort type (cost reimbursable) contracts in which the contractors are only tasked to provide an estimated number of labor hours to meet the performance requirements of the contract; that is, contracts which do not include specifications and/or instruction with enough clarity for the contractor to complete the job without further direction or continued supervision of "shared" work arrangements with government personnel.

The conference further agreed that the Defense Department can allocate a portion of this reduction to other appropriations contained in the bill, if necessary and justified. All such allocations will be considered by the Congress under established reprogramming procedures.

Finally, the conference requested a special report, in conjunction with the fiscal year 1981 budget, which outlines the actions the Department of Defense has taken in this area, pursuant to the direction contained in the $150 million reduction which has been allocated by appropriation.

Factory training

The House transferred all funds budgeted for factory training which had not previously been recognized in the Operations and Maintenance appropriation to these appropriations. The conferences agreed that future requests for factory training funds be made as part of the Operation and Maintenance appropriation and separately identified. The conferences also agreed to continue funding for the Army appropriation because the House deleted this amount from the procurement estimate but did not make the necessary addition to the Operation and Maintenance appropriation.

Panama Canal medical operations

The conference agreed that the helicopter gunship mission should be transferred to the Army in view of the need to operate both services' helicopter assets from the same installation. There is no need for each service to operate a helicopter maintenance activity as the same service is being used. The conferences also agreed that one-half of the reduction of $300 Air Force military and civilian personnel positions authorized by the Senate in the Army appropriation for this purpose be carried out by the end of Fiscal Year 1980.

Panama Canal operations

The conference agreed to the House proposal for recovering costs associated with the transfer of operations and management of the Panama Canal Company to the Department of the Army. The Department of Defense is directed to make the necessary changes in rates charged for in-patient and out-patient services (like the same rates applied as the Canal Company used plus inflation in lieu of lower DOD rates) and to make the necessary changes in reimbursement policy to preclude the need for additional appropriations.

American Forces Radio and Television Service (AFRTS)

The Conferences agreed to the House direction which recommends the consolidation of management of the AFRTS under the Director of American Forces Information Service. The House also recommended a reduction of $100 million personnel and 80 civilian foreign national employees of the AFRTS to encourage the Department of Defense to effect consolidation of management functions supporting the American Forces Radio and Television Service. The Conferences agreed to restore the military personnel positions deleted from the Navy and Air Force request. The Conferences further agreed to a reduction of $25 million foreign national personnel positions on the basis that these positions could be filled by military personnel at less cost if the AFRTS determines that the positions must be filled to meet operating region threats.

Operation and Maintenance, Army

Amendment No. 9: Appropriates $9,915,368,000 instead of $9,791,852,000 as proposed by the House and $10,006,385,000 as proposed by the Senate.

Luxembourg Storage Facilities.-The conferences agreed to continue funding for this project with the understanding that it is needed to locate NATO infrastructure financing. A total of $6,800,000 is made available for this purpose. The House had deleted the entire request of $23,600,000 while the Senate recommended an appropriation of $11,900,000.

Combat Helmets and Vests.—The conferences agreed to provide $6,400,000 as recommended by the Senate to purchase approximately 30,000 new Kevlar helmets and fragmenta­tion vests with the understanding that this procurement will be made using fully competitive procurement procedures. Such competition is needed to ensure that the vests are both include and exclude the use of government furnished material and production equipment.

Summary: Items for which the conferences have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

**OPERATION AND MAINTENANCE, ARMY**

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll allotment program.</td>
<td>8,400</td>
<td>8,400</td>
<td>8,400</td>
<td>8,400</td>
</tr>
<tr>
<td>Overseas allotment program.</td>
<td>60,985</td>
<td>60,985</td>
<td>60,985</td>
<td>60,985</td>
</tr>
<tr>
<td>Panama Canal operations increase.</td>
<td>14,700</td>
<td>0</td>
<td>9,700</td>
<td>9,700</td>
</tr>
<tr>
<td>Army specialized skill training</td>
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<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Increased Europe/Conus travel training.</td>
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<td>2,247</td>
<td>2,247</td>
<td>2,247</td>
</tr>
<tr>
<td>Tuition assistance</td>
<td>0</td>
<td>9,000</td>
<td>0</td>
<td>9,000</td>
</tr>
<tr>
<td>Medical allowance (MIL-90)</td>
<td>500</td>
<td>500</td>
<td>500</td>
<td>500</td>
</tr>
<tr>
<td>Nonappropriated fund support (AFRTS).</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>American Forces Radio and TV personnel.</td>
<td>6,500</td>
<td>6,500</td>
<td>6,500</td>
<td>6,500</td>
</tr>
<tr>
<td>Recruit training</td>
<td>89,320</td>
<td>89,320</td>
<td>89,320</td>
<td>89,320</td>
</tr>
<tr>
<td>Management headquarters</td>
<td>293,188</td>
<td>288,188</td>
<td>293,188</td>
<td>293,188</td>
</tr>
<tr>
<td>Army operations leave in lieu of leave paid in lieu of leave</td>
<td>27,740</td>
<td>640</td>
<td>23,100</td>
<td>23,100</td>
</tr>
<tr>
<td>European support and base operations</td>
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<td>390</td>
<td>23,280</td>
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<tr>
<td>NATAF training</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Panama, helicopter deployment</td>
<td>0</td>
<td>500</td>
<td>0</td>
<td>500</td>
</tr>
<tr>
<td>Authorizations</td>
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<td>4,640</td>
<td>24,500</td>
<td>24,500</td>
</tr>
<tr>
<td>Luxembourg storage facilities</td>
<td>23,500</td>
<td>247,000</td>
<td>270,000</td>
<td>258,600</td>
</tr>
<tr>
<td>Physical property disposal (authorized reappropriation)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disposal in lieu of reimbursing the Defense Finance and Accounting Service</td>
<td>12,172</td>
<td>7,772</td>
<td>12,172</td>
<td>9,972</td>
</tr>
<tr>
<td>Collecting contract admin svc on FMS contracts</td>
<td>0</td>
<td>-6,000</td>
<td>0</td>
<td>-6,000</td>
</tr>
<tr>
<td>Army supply activities</td>
<td>760,000</td>
<td>246,300</td>
<td>279,000</td>
<td>267,000</td>
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<tr>
<td>Army supply for army</td>
<td>221,500</td>
<td>221,500</td>
<td>221,500</td>
<td>221,500</td>
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<tr>
<td>Logical administrative support</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Army medical activity</td>
<td>722</td>
<td>722</td>
<td>722</td>
<td>722</td>
</tr>
<tr>
<td>Army medical activities</td>
<td>722</td>
<td>722</td>
<td>722</td>
<td>722</td>
</tr>
<tr>
<td>Army hospital and medical facilities</td>
<td>395,200</td>
<td>387,800</td>
<td>387,200</td>
<td>370,200</td>
</tr>
<tr>
<td>Army financial management</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Army Radio and TV financing</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Army long-distance calls</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Foreign national pay raise</td>
<td>34,571</td>
<td>34,571</td>
<td>34,571</td>
<td>34,571</td>
</tr>
<tr>
<td>Disabilities retirement and annuity leave</td>
<td>125,400</td>
<td>125,400</td>
<td>125,400</td>
<td>125,400</td>
</tr>
<tr>
<td>Disability retirement and annuity leave</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rehabilitation</td>
<td>6,800</td>
<td>6,800</td>
<td>6,800</td>
<td>6,800</td>
</tr>
<tr>
<td>Rehabilitation training</td>
<td>7,218</td>
<td>7,218</td>
<td>7,218</td>
<td>7,218</td>
</tr>
<tr>
<td>Combat vehicle and aircraft</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Combat vehicle and aircraft</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Combat vehicle and aircraft</td>
<td>13,971</td>
<td>13,971</td>
<td>13,971</td>
<td>13,971</td>
</tr>
<tr>
<td>Reserve personnel administrative costs</td>
<td>6,500</td>
<td>6,500</td>
<td>6,500</td>
<td>6,500</td>
</tr>
<tr>
<td>Public Health Service (PHS) reimbursment</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Defense transportation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Payments for procurement</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
</tr>
</tbody>
</table>
OPERATION AND MAINTENANCE, NAVY

Amendment No. 10: Appropriates $13,372,-
945,000 instead of $12,975,000 as proposed by the House and $13,317,224,000 as proposed by the Senate.

**Supervisor of Shipbuilding.**—The conferences agreed to provide a full budget amount ($830.0 million) for the Supervisor of Shipbuilding as proposed by the Senate, with the understanding that the Navy will not request further personnel increases for this organization pending full implementation of an effective work measurement and manpower documentation program throughout the organization.

**Support of Navy Carrier Based Aircraft.**—The House directed the Navy to test a new concept for supporting modern aircraft deployed aboard carriers, following a Defense Resource Management study which detailed significant cost savings and readiness improvements from application of new organizational and logistical concepts. The Senate agreed with the need for a test but believes that the Navy cannot be ready to begin the test in 1980. The conferences accepted the Senate direction which would have the Navy formulate a test plan between now and February 1980 and actually test the concepts beginning in 1981.

Summary: Items for which the conferences have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

**OPERATION AND MAINTENANCE, NAVY**

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll allotment program</td>
<td>1,400</td>
<td>0</td>
<td>1,400</td>
<td>1,400</td>
</tr>
<tr>
<td>Overtime pay</td>
<td>2,900</td>
<td>0</td>
<td>2,900</td>
<td>0</td>
</tr>
<tr>
<td>Base directed manpower computer system replacement</td>
<td>681</td>
<td>255</td>
<td>2,900</td>
<td>0</td>
</tr>
<tr>
<td>Navy specialized skill training</td>
<td>64,700</td>
<td>64,700</td>
<td>64,700</td>
<td>64,700</td>
</tr>
<tr>
<td>Tuition assistance</td>
<td>9,200</td>
<td>0</td>
<td>6,900</td>
<td>9,200</td>
</tr>
<tr>
<td>Mail order catalogs</td>
<td>112</td>
<td>0</td>
<td>112</td>
<td>0</td>
</tr>
<tr>
<td>Recruit and advertising program growth</td>
<td>64,700</td>
<td>64,700</td>
<td>64,700</td>
<td>64,700</td>
</tr>
<tr>
<td>Management headquarters</td>
<td>228,700</td>
<td>228,700</td>
<td>228,700</td>
<td>228,700</td>
</tr>
<tr>
<td>Trident support</td>
<td>191,700</td>
<td>191,700</td>
<td>191,700</td>
<td>191,700</td>
</tr>
<tr>
<td>Authorization adjustments</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Creation of single traffic management agency</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Log Air and Quicktrans</td>
<td>19,472</td>
<td>0</td>
<td>19,472</td>
<td>19,472</td>
</tr>
<tr>
<td>Property disposal activities/material returns</td>
<td>0</td>
<td>-10,000</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, MARINE CORPS

Amendment No. 11: Appropriates $602,-
046,000 instead of $707,801,000 as proposed by the House and $802,726,000 as proposed by the Senate.

**Marine Corps Recruiting.**—The conferences agreed to provide $357.7 million as provided by the House instead of $327.2 million as provided by the Senate. The conferences further agreed that the Marine Corps can resell up to 350 additional personnel above the level in the budget request to recruiting stations in order to enable the Marine Corps to meet its fiscal year 1980 strength goal.

Summary: Items for which the conferences have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

**OPERATION AND MAINTENANCE, MARINE CORPS**

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll allotment program</td>
<td>400</td>
<td>0</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Overtime pay, direct</td>
<td>2,599</td>
<td>0</td>
<td>1,455</td>
<td>1,455</td>
</tr>
<tr>
<td>Tuition assistance</td>
<td>0</td>
<td>200</td>
<td>0</td>
<td>200</td>
</tr>
<tr>
<td>Property disposal activity/material return</td>
<td>0</td>
<td>3,000</td>
<td>0</td>
<td>3,000</td>
</tr>
<tr>
<td>Naval Reserve strength hiring</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disability retirement and separation</td>
<td>-1,700</td>
<td>-300</td>
<td>-1,000</td>
<td>-1,000</td>
</tr>
<tr>
<td>Foreign national pay raise</td>
<td>6,650</td>
<td>6,650</td>
<td>5,180</td>
<td>5,180</td>
</tr>
<tr>
<td>Recruiting and advertising program adjustment</td>
<td>0</td>
<td>-3,000</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, AIR FORCE

**Air Passenger Terminals.**—The conferences restored $9,000,000 of the $12,000,000 reduction made by the House and agreed with the Senate position on the air passenger terminals. The Department should proceed with the phase down of military air passenger terminals wherever reduced workload and availability of alternative commercial facilities indicate that it is cost effective. However, any diversion of military passengers to commercial facilities should give first consideration to airports that are adjacent or nearest to existing military terminals. Summary: Items for which the conferences have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

**OPERATION AND MAINTENANCE, AIR FORCE**

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Space available mail (Sam)</td>
<td>0</td>
<td>5,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Property disposal/exchange sales/materials</td>
<td>0</td>
<td>-10,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Collecting contract admin. services on FMS contract</td>
<td>0</td>
<td>-10,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Overtime pay</td>
<td>103,237</td>
<td>98,437</td>
<td>100,237</td>
<td>98,437</td>
</tr>
<tr>
<td>Air Force supply operations</td>
<td>86,000</td>
<td>86,000</td>
<td>86,000</td>
<td>86,000</td>
</tr>
<tr>
<td>Strategic missile data collection</td>
<td>270,000</td>
<td>266,000</td>
<td>270,000</td>
<td>270,000</td>
</tr>
<tr>
<td>Defense test and training costs</td>
<td>1,710</td>
<td>1,710</td>
<td>1,710</td>
<td>1,710</td>
</tr>
<tr>
<td>Contract studies and analyses, management support and consulting services</td>
<td>1,710</td>
<td>1,710</td>
<td>1,710</td>
<td>1,710</td>
</tr>
<tr>
<td>Naval Reserve strength training</td>
<td>-13,600</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Preposition</td>
<td>0</td>
<td>129,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Air passenger terminal operation</td>
<td>39,400</td>
<td>39,400</td>
<td>39,400</td>
<td>39,400</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

Amendment No. 12: Appropriates $3,-
293,214,000 instead of $3,440,435,000 as proposed by the House and $3,550,197,000 as proposed by the Senate.

**Tri-Service Medical Information System (TRIMIS).**—The conferences agreed to provide a total of $292,100,000 for a program of which $260,000,000 is to be used for the enrollment/eligibility system. The conferences request that the Department of Defense perform an economic analysis of all current TRIMIS systems. Those systems which are found to be economically justified should be transferred for budgetary support to the military services, or additional funds which cannot be economically justified are to be terminated. All data accumulated by the economic analyses are to be retained and made available to the General Accounting Office for further audit upon the request of the Appropriations Committees. Also, the conferences believe that any further effort to develop a single integrated TRIMIS system should be done using a single prime contractor who will accept full responsibility for development of an integrated DOD medical information system. The present method of relying on a large number of contractors for management assistance, requirement documentation, and system integration appears to be unworkable.

Summary: Items for which the conferences have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:
OPERATION AND MAINTENANCE, ARMY RESERVE

Amendment No. 14: Appropriates $429,644,000 instead of $419,755,000 as proposed by the House and $451,974,000 as proposed by the Senate.

Summary: Items for which the conferees have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

OPERATION AND MAINTENANCE, NAVY RESERVE

Amendment No. 15: Appropriates $396,436,000 instead of $434,399,000 as proposed by the House and $447,198,000 as proposed by the Senate.

Naval Reserve Destroyers.—The conferees agreed to provide $34 million to overhaul two additional Naval Reserve Force (NRF) destroyers in fiscal year 1980 and an additional $3 million to conclude the outlooks begun in the fiscal year 1979. The conferees agreed to provide $12.3 million above the budget request to continue operating the NRF destroyers in fiscal year 1980. The conference also agreed that the Navy should retain 12 of the 20 NRF destroyers programmed to phases out in fiscal year 1979 funds related to destroyer overhauls contained in the Senate bill. The conferees also agreed that the Navy should retain 12 of the 20 NRF destroyers programmed to phase out in fiscal year 1979 funds related to destroyer overhauls contained in the Senate bill.

Amendment No. 16: Deletes the Senate amendment which would have rescinded $30,000,000 of FY 1979 funds approved for overhaul of Naval Reserve Destroyers.

Summary: Items for which the conferees have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

OPERATION AND MAINTENANCE, NAVY RESERVE

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime pay</td>
<td>900</td>
<td>715</td>
</tr>
<tr>
<td>Overseas travel</td>
<td>-1,463</td>
<td>0</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, MARINE CORPS

Amendment No. 17: Appropriates $21,928,000 as proposed by the House instead of $22,003,000 as proposed by the Senate.

Summary: Items for which the conferees have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

OPERATION AND MAINTENANCE, AIR FORCE

Amendment No. 18: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recommit and recom the Senate amendment with an amendment appropriating $429,407,000 instead of $430,225,000 as proposed by the House and $431,197,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary: Items for which the conferees have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime pay</td>
<td>1,323</td>
<td>998</td>
</tr>
<tr>
<td>Overseas travel</td>
<td>800</td>
<td>560</td>
</tr>
<tr>
<td>Technical conversion</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Recruiting and advertising</td>
<td>0</td>
<td>-1,100</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

Amendment No. 19: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recommit and concur in the Senate amendment with an amendment appropriating $797,150,000 instead of $801,220,000 as proposed by the House and $797,350,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Summary: Items for which the conferees have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overhead travel</td>
<td>4,078</td>
<td>0</td>
</tr>
<tr>
<td>Overseas travel</td>
<td>-200</td>
<td>0</td>
</tr>
</tbody>
</table>

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Amendment No. 20: Appropriates $1,088,687,000 as proposed by the Senate instead of $1,088,097,000 as proposed by the House.

Summary: Items for which the conferees have provided specific guidance have been discussed elsewhere in this report. The conference agreement on items in conference is as follows:

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overtime pay</td>
<td>1,644</td>
<td>901</td>
</tr>
<tr>
<td>Intercepter detachments</td>
<td>0</td>
<td>-1,600</td>
</tr>
</tbody>
</table>

CLAIMS, DEFENSE

Amendment No. 21: Appropriates $693,200,000 as proposed by the Senate instead of $697,000,000 as proposed by the House.

FOREIGN CURRENCY FLUCTUATIONS, DEFENSE

Amendment No. 22: Appropriates $470,100,000 as proposed by the Senate instead of $478,000,000 as proposed by the House.

TITLE IV—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

Amendment No. 23: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recommit and concur in the amendment of the Senate with an amendment appropriating $961,287,000 instead of $962,387,000 as proposed by the House and $1,000,437,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:

AIRCRAFT PROCUREMENT, ARMY

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-12 aircraft</td>
<td>13,700</td>
<td>13,700</td>
</tr>
<tr>
<td>AH-1S Cobra/TOW helicopter</td>
<td>66,900</td>
<td>29,500</td>
</tr>
<tr>
<td>OV-1 aircraft modifications</td>
<td>46,200</td>
<td>40,900</td>
</tr>
<tr>
<td>HH-1 aircraft modifications</td>
<td>2,400</td>
<td>2,400</td>
</tr>
<tr>
<td>AH-6A Quick Fix II</td>
<td>14,500</td>
<td>14,500</td>
</tr>
<tr>
<td>Airborne antennas</td>
<td>-1,000</td>
<td>-1,000</td>
</tr>
<tr>
<td>Spares and repair parts</td>
<td>71,300</td>
<td>72,500</td>
</tr>
<tr>
<td>Component improvement</td>
<td>8,700</td>
<td>8,700</td>
</tr>
</tbody>
</table>

TRANSFERS TO RESEARCH AND DEVELOPMENT

The conferees agreed to transfer to research and development the EHS-40A Quick Fix II prototype helicopter, development of the antenna coupler for the AN/ARC-114 radio and engine component improvement, as proposed by the House. In making these transfers, the conferees agree that development of modification kits and tail engine component improvement efforts are to be funded in the future in the research and development appropriation.
RU-21 AIRCRAFT MODIFICATIONS

No funds are included for the product improvement of the Army GRADAR V program. This authorization add-on was not funded, without prejudice, pending a request or reprogramming of funds in the subsequent budget request in order to place the Army capability was not requested in the fiscal year 1980 President's Budget.

MISCELLANEOUS PROCUREMENT, ARMY

Amendment No. 24: Appropriates $1,464,800,000 instead of $1,086,100,000 as proposed by the House and $1,173,200,000 as proposed by the Senate.

The conference agreement includes funds for 1,786,600,000, in support of the F-14, F-18, F-16, and similar aircraft. The conferees agreed to transfer training costs to the operation and maintenance appropriation, pending the amendment of the Senate to the request for the F-18. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>F-14 aircraft</td>
</tr>
<tr>
<td>F-16 aircraft</td>
</tr>
<tr>
<td>F-18 aircraft</td>
</tr>
<tr>
<td>F-22 aircraft</td>
</tr>
<tr>
<td>M-48 tank modifications</td>
</tr>
<tr>
<td>M-56 tank taktion modifications</td>
</tr>
</tbody>
</table>

The conference agreement provides for 296 M448 carriages. 206 M60 combat tanks, 352 XM1 combat tanks, and 687 XM1 tank modifications.

PROCUREMENT OF AMMUNITION, ARMY

Amendment No. 26: Deletes the subtitle “(Including Transfer of Funds)” as proposed by the Senate.

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,232,800,000 instead of $1,243,800,000 as proposed by the House and $1,254,100,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>105-mm high explosive antitank ammunition</td>
</tr>
<tr>
<td>155-mm area denial artillery munition</td>
</tr>
<tr>
<td>Electronic fire control system</td>
</tr>
<tr>
<td>SLAFA rocket motor facility</td>
</tr>
</tbody>
</table>

The conference agreement provides for components for prove-out for VVIP.

Amendment No. 28: Deletes House language which transferred forward to fiscal year 1981, instead of the “Procurement of Ammunition, Army, 1979/1981” appropriation, as proposed by the Senate.

OTHER PROCUREMENT, ARMY

Amendment No. 29: Appropriates $1,435,410,000 instead of $1,797,710,000 as proposed by the House and $1,611,510,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget</td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>Joint Service Tactical Communications (TRI-TAC)</td>
</tr>
<tr>
<td>Base Command (CUCOM) (European Telephone System)</td>
</tr>
<tr>
<td>Teampack AN/MEQ-103</td>
</tr>
<tr>
<td>Inertial Intelligence Data Handling System</td>
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<tr>
<td>Tactical Fire Direction System (TACFIRE)</td>
</tr>
<tr>
<td>MUS MUST Components</td>
</tr>
<tr>
<td>Universal Engineer Tractor (UET)</td>
</tr>
<tr>
<td>Forklift trucks, 10,000</td>
</tr>
<tr>
<td>General reduction</td>
</tr>
</tbody>
</table>

The conference agreement provides for $4,601,293,000 instead of $4,441,446,000 as proposed by the House and $4,581,000,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
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</thead>
<tbody>
<tr>
<td>Budget</td>
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<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>H-2 series modifications</td>
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<tr>
<td>H-3 series modifications</td>
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<tr>
<td>H-4 series modifications</td>
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<tr>
<td>E-1 series modifications</td>
</tr>
<tr>
<td>E-2 series modifications</td>
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<tr>
<td>C-15 series modifications</td>
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<tr>
<td>C-16 series modifications</td>
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<tr>
<td>C-17 series modifications</td>
</tr>
<tr>
<td>C-18 series modifications</td>
</tr>
<tr>
<td>C-19 series modifications</td>
</tr>
<tr>
<td>General reduction</td>
</tr>
<tr>
<td>Component improvement</td>
</tr>
</tbody>
</table>

The conference agreement provides for $35449 TON CARGO TRUCK

The conference agreement on dening funding for the ten-ton cargo truck is without prejudice.

If the program can be more thoroughly defined and justified at some future time, the committees will consider the Senate's request for the ten-ton cargo truck.

J UNT SERVICE TACTICAL COM MUNICATIONS PROGRAM (TRI-TAC)

The conference agrees that no funds are to be expended on procurement of the circuit switch for the Joint Service Tactical Communications Program. The conferees have certified that the switch has been satisfactorily tested in an operational mode by the Department of Defense.

BASE COMMUNICATIONS (EUCOM) (EUROPEAN TELEPHONE SYSTEM)

The conference urges that American manufactured equipment be utilized, when cost effective, in the European Telephone System program.

TACTICAL FIRE DIRECTION SYSTEM (TACFIRE)

The conference agreement of $182,200,000 for TACFIRE provides only for termination of the program.

UNIVERSAL ENGINEER TRACTOR (UET)

The conference agreement to provide no funding for the universal engineer tractor (UET) is made without prejudice to consideration of this item in a future budget request if the Army can provide adequate justification.

Amendment No. 30: Transfers forward to fiscal year 1980 $47,000,000 from the “Other Procurement, Army, 1979/1981” appropriation as proposed by the House, instead of $36,400,000 as proposed by the Senate. The conference agreement transfers forward $10,600,000 in unobligated fiscal year 1979 funding for the universal engineer tractor to offset a general reduction in fiscal year 1980.

AIRCRAFT PROCUREMENT, NAVY

Amendment No. 31: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $4,441,446,000 instead of $4,601,390,000 as proposed by the House and $4,581,000,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>[in thousands of dollars]</th>
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</thead>
<tbody>
<tr>
<td>Budget</td>
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<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>F-14 aircraft</td>
</tr>
<tr>
<td>F-16 aircraft</td>
</tr>
<tr>
<td>F-18 aircraft</td>
</tr>
<tr>
<td>F-22 aircraft</td>
</tr>
</tbody>
</table>

The conference agreement provides for 30 F-14 aircraft, 23 F-18 aircraft, 12 P-3C aircraft, and 2 C-9B aircraft. The conference agreed to transfer training costs to the Operations and Maintenance appropriations and denied factory training costs. In the future funds for these efforts are to be budgeted in the procurement appropriation. The conferees further agreed to offer $15,456,000,000 for the A-7E/HARM and missile kit, and transferred to research and development the $550,000,000 for development of a prototype kit of the AN/ALQ-162 Clockwise Jammer to be used in the A-7 aircraft.

COMPONENT IMPROVEMENT

In transfers of procurement program funds to research and development, the conferees agreed that future component
The conference agreement includes 12 A-7K aircraft and eight C-130H aircraft only for the Air National Guard.

**F-100 ENGINE SPARES**

The Senate provided the authorized budget request of $220,500,000 for F-100 engine spares. The House added $106,000,000 for the procurement of engine modules and overhaulings rather than replacing this equipment.

The conference agreement provides funding for the procurement of new equipment, which was replaced by the NAVAIR Global Positioning System (GPS) in the 1980s. A central justification for the new equipment program is the cost avoidance possible by replacing a multitude of current navigation systems with a single system. Interim fielding of new equipment whose functions could be provided by NAVAIR in the mid-1980s can result in unnecessary expenditure, duplication, and a diminished cost/benefit ratio.

**OTHER PROCUREMENT, NAVY**

Amendment No. 38: Appropriates $2,590,000,000 as proposed by the House and $2,604,950,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget House</th>
<th>Senate</th>
<th>Conference</th>
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</thead>
<tbody>
<tr>
<td>MK-48 torpedo</td>
<td>214,000</td>
<td>231,000</td>
<td>224,500</td>
</tr>
<tr>
<td>AN/SLQ-17(A)</td>
<td>65,500</td>
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<tr>
<td>LPS-41 advance procurement</td>
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<tr>
<td>MK-48 torpedoes</td>
<td>144,600</td>
<td>121,800</td>
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<td>SSN-696 class submarine</td>
<td>69,600</td>
<td>69,600</td>
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<tr>
<td>SSN-698 class submarine</td>
<td>72,600</td>
<td>72,600</td>
<td>72,600</td>
</tr>
<tr>
<td>MK-84 naval mines</td>
<td>121,000</td>
<td>121,000</td>
<td>121,000</td>
</tr>
</tbody>
</table>

**TACAN**

The conference agreement provides funding for continued procurement of replacement equipment for the TACAN system. However, the conferees agree that the Navy should carefully consider the alternative of

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
</thead>
<tbody>
<tr>
<td>TACAN</td>
<td>9,373</td>
<td>9,373</td>
<td>9,373</td>
</tr>
<tr>
<td>Military support equipment</td>
<td>14,600</td>
<td>14,600</td>
<td>14,600</td>
</tr>
</tbody>
</table>

The Chairman of the Senate Committee on Armed Services, following a special hearing, requested inclusion of bill language providing additional authorization, and the conferees so recommend. This action is not a precedent since previous emergency situations have resulted in similar actions.

The proposed budget for the FY-1981 Appropriations Bill, as agreed to by the Senate and House, is $6,633,900,000.
The conferences agreed to authorize and provide an additional $75,400,000 in fiscal year 1980 because of the concern for the poor operational readiness status of F-16 aircraft due to shortage of F-100 engine spares.

**KC-135 REENGINING PROGRAM**

The conferences provided $5,000,000 in procurement and $10,000,000 in research and development for the KC-135 reengining program as recommended by the Air Force. This prototype effort should have been funded in the research and development budget, therefore the conferences are not setting a precedent for this decision. Procurement funds are not to be used for normal development and testing efforts relating to this prototype aircraft.

**CIVIL RESERVE AIR FLEET**

The conferences agreed to provide $38,600,000 for the Civil Reserve Air Fleet (CRAF) modernization program based on a lump sum payment at this time. The Air Force should restructure the payment procedures after performing financial analyses employing return on investment and discounted cash flow criteria. The conferences would have no objection to a modification of a contract option allowing for additional payments based on abnormal fuel price increases of eight percent or more in any given year. Such additional payments are to be made from fiscal year 1980 Aircraft Procurement. Air Force appropriations during its operational availability period and thereafter from the "M" account, as proposed. In the event there are insufficient funds available in this appropriation or in the "M" account at the time the additional payment may be needed, such funding requirements may be funded in the Operation and Maintenance, Air Force appropriation. The Air Force should propose a motion on CRAF through a competitive process whenever possible.

**GUI-14 GLIDE BOMB**

The House version of the bill transferred forward to fiscal year 1980 $14,000,000 in unobligated fiscal year 1978 funding for the GBU-14 glide bomb. The transfer offset a general reduction in fiscal year 1980. The conference agreement deletes this transfer, as proposed by the Senate. The conferences are in agreement that prior to the use of these or any other funds for procurement of the GBU-14, the Secretary of Defense shall agree to a modification of the contract option involving transfers to the fiscal year 1979 appropriation for procurement. Amendment No. 48: Provides $15,000,000 which shall be derived by transfer from "Aircraft Procurement, Air Force, 1977/1979" as proposed by the Senate. The House had proposed a reduction in transfers.

The conference agreement on items in conference is as follows:

**PROCUREMENT, DEFENSE AGENCIES**

Amendment No. 51: Appropriates $280,185,000 instead of $279,880,000 as proposed by the House and $286,185,000 as proposed by the Senate. The conference agreement is explained in the classified annex to this statement.

The conferences agree with language in the Senate report which stated that transfers set forth in Budget House - Senate Conference Budget House - Senate Conference budget, therefore the conferees are not setting a precedent by this decision. Procurement, Air Force, 1978/1980, $14,000,000

**DEFENSE SATELLITE COMMUNICATIONS SYSTEM (DSCS)**

The Conferences agreed to delete the $852,810,000 requested for DSCS II but agreed the Congress will consider a reprogramming or supplemental in the event DOD feels there will be an urgent national defense need in the DSCS II and/or III program.

**OTHER PROCUREMENT, AIR FORCE**

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $2,634,031,000 instead of $2,534,831,000 as proposed by the Senate and $2,633,731,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:

Additionally, the conferences direct that the Committees be notified of those instances involving transfers to the fiscal year 1979 Procurement of Ammunition, Army and Other Procurement, Army accounts where the transfers may not be achievable, including a full explanation.

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY**

Amendment No. 62: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $2,853,381,000 instead of $2,817,874,000 as proposed by the House and $2,785,309,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:
The conferences agreed to provide $5,658,000 for the Joint Service Food Systems Technology program instead of $3,945,000 as proposed by the House and $7,460,000 as proposed by the Senate. The conferences understand that irradiated food research is being transferred to the Department of Agriculture beginning with fiscal year 1981, and that the Army will no longer budget funds for irradiated food research.

### TACTICAL OPERATIONS SYSTEM

The House recommended $2,482,000 and the Senate recommended no funds for the Tactical Operations System (TOS), which failed authorization. The House recessed. The conferences agreed that the Army has a significant shortcoming in automation of tactical command and control which must be overcome rapidly. A major difficulty with the former TOS program was its remaining in an "evolving" state for nearly twenty years, with no clear end system in sight. The conferences expect the Army to structure a new program to meet its needs which will lead to rapid fielding of a final, not interim, system using modern technology. The committees will entertain reprogramming requests which reflect this direction.

### ADVANCED DIESEL ENGINE TECHNOLOGY

#### BACKUP DIESEL ENGINE FOR XM-1 TANK

The conferences agreed to provide $14,200,000, the authorized amount for Advanced Diesel Engine Technology. The conferences agreed that advanced technology work on the AVCG-1860 diesel engine is to be pursued, and denied the DOD request that this program be made subject of permissive language. The conferences fully endorse the position of the Senate. The conferees agree to provide for the AVCR-1360 program and to complete it without further delay.

### ADVANCED COMPUTER TECHNOLOGY

The conferences agreed to provide $7,000,000 for the Advanced Computer Technology program. The conferences funded $5,000,000 for the 30mm gun pod as proposed by the House and $2,000,000 as proposed by the Senate. The conferences agreed to use some equipment developed in the cancelled Tactical Airborne Signals Exploitation System (TASBS) in the EP-3 upgrade program. The conferences agreed, however, that this action is not to be interpreted as permitting the Navy to revive the cancelled TASBS program.

### AERIOBONE ELECTRONIC WARFARE EQUIPMENT

The conferences agree to provide the budget request of $11,654,000 for Airborne Electronic Warfare Equipment as proposed by the Senate. This will permit funding of the Command and Control Technology program, the full sum budgeted by the Navy, to be sufficient for continuing that research project.

### 30MM ANTI-ARMOR AIRCRAFT GUN POD

The conferences concur in the Senate position in providing $2,000,000 for development of the 30mm gun pod. The conferences are also aware of the ongoing development of the 25mm aircraft gun system, and are concerned over the possible proliferation of such systems. For this reason, the conferences direct the Marine Corps to examine the desirability and feasibility of standardizing on one gun system.
December 11, 1979

CONGRESSIONAL RECORD—HOUSE

P-3 MODERNIZATION PROGRAM ADVANCED SIGNAL PROCESSOR

The Navy requested procurement funds for the AN/UYT-3 advanced signal processor used on the P-3 aircraft which should have been requested in the Research, Development, Test and Evaluation account. The House recommended a reduction of $1,058,000 in Other Procurement, Navy and a corresponding add-on above the budget to the P-3 Modernization Program in the RDT&E account. The conferees agreed to a Navy request that the add-on be made instead to the Advanced Signal Processor program in the RDT&E account.

LIGHT CARRIER DESIGN

The conferees agreed to provide $10,000,000 for Light Carrier Design, with the stipulation that the $10,000,000 provided may not be used for any other purpose than Light Carrier Design.

SHIP SYSTEMS ENGINEERING STANDARDS (SSES) PROGRAM

The conferees agreed to provide $8,000,000 for the Ship Systems Engineering Standards (SSES) program. SSES is one of two elements of the former SEAMOD program, and is planned to develop and validate the surface ship support system interface standards and design criteria in parallel with the Combat Systems Architecture program. The conferees anticipate that this effort will be directly applicable to the DD(X) modular payload ship, as well as other carrier ships.

Amendment No. 64: Transfers to fiscal year 1980 from Research, Development, Test and Evaluation, Navy, 1979/1980 $15,988,000 as proposed by the House instead of $20,898,000 as proposed by the Senate.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

Amendment No. 56: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recommit and concur in the amendment of the Senate with an amendment appropriating $4,941,943,000 instead of $4,913,012,000 as proposed by the House and $4,892,043,000 as proposed by the Senate. The Managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement on items in conference is as follows:

PROCUREMENT PROGRAM

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
<th>Senate</th>
<th>Conference</th>
</tr>
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<td>328,015</td>
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<tr>
<td>-5,982</td>
<td>-5,982</td>
<td>-5,982</td>
<td>-5,982</td>
</tr>
</tbody>
</table>

PERIMETER ACQUISITION RADAR ATTACK CHARACTERIZATION SYSTEM (PARCS)

The Senate provided $5.0 million of additional research and development funds for the Perimeter Acquisition Radar Attack Characterization System (PARCS). Improvements to this warning capability are underway. The $5.0 million will provide funding to complete this effort during fiscal year 1980. No funds were included in the fiscal year 1980 Department of Defense Authorization Act. The Chairman of the Senate Armed Services Committee on Armed Services requests additional authorization in the amount of $5.0 million, and the conferees so recommend. This action is not a precedent since previous emergency situations have resulted in similar actions. The conferees agreed to authorize and provide an additional $5.0 million in fiscal year 1980 because of the need to complete the current improvement program of this asset to our warning capability.

ADVANCED WARNING SYSTEMS

The conferees agreed to delete, without prejudice, the remaining $12,000,000 in this line item for Advanced Warning Systems pending completion of the Defense Systems Acquisition Review Council decisions.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

Amendment No. 57: Appropriates $1,097,022,000 instead of $1,030,065,000 as proposed by the House and $1,048,322,000 as proposed by the Senate.

The conference agreement on items in conference is as follows:

PROCUREMENT PROGRAM

[In thousands of dollars]

<table>
<thead>
<tr>
<th>Budget</th>
<th>House</th>
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<th>Conference</th>
</tr>
</thead>
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<tr>
<td>85,290</td>
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<tr>
<td>4,600</td>
<td>4,600</td>
<td>4,600</td>
<td>4,600</td>
</tr>
</tbody>
</table>

WWMC system engineer

Laser communications experiments

mitted program

General reduction, general support for OSD

Public affairs

SIGNAL PROCESSOR

Ballistic missile early warning system

Defensive systems

Navy and a cor-
The conferences agreed that the language of the House with regard to the Ring Laser Gyros is not to be construed as Congressional direction for production. The requests of the House that the Secretary of Defense procure an electronic Ring Laser Gyro technology stand as written. Results of these studies should be transmitted to the Congress as soon as they are available.

AN/UYK-7 AND AN/UYK-20 COMPUTERS

The conferences continue to consider the expedited development of the Navy Embedded Computer (NEC) to be imperative, and agree with the Navy that NEC has priority over substantial or costly improvements to the older AN/UYK-7 and AN/UYK-20 computers in an effort to modernize them. After competitive contracts for NEC engineering developments have been awarded, if urgent operational requirements exist which can be satisfied only by a performance upgrade to the existing AN/UYK-7 or AN/UYK-20, the Navy may make or buy such upgrades. During the interim, the conferences have no objection to competing contracts for NEC engineering developments to be observed in the event of Congressional program cancellations.

GUIDELINES FOR ADMISSION OF VETERANS TO PUBLICATIONS IN THE NATIONAL MEDICAL INTELLIGENCE CENTER

No. 1: This conference agrees that the language in the Defense Appropriation Act, for fiscal year 1980, providing that appropriations for Defense shall be available for support under contracts entered into before November 21, 1980, to be construe as not applying to contracts entered into after such date.

GUIDELINES FOR THE IMPLEMENTATION OF THE NATIONAL MEDICAL INTELLIGENCE CENTER

No. 2: Consistent with the termination plan, stop-work orders shall be issued immediately following final Congressional action. The conferences agree that the five year deadline established in the National Medical Intelligence Center Act shall apply to working capital funds or funds appropriated rather than during the current fiscal year. The appropriations proposal for fiscal 1980 is an indeterminate and uncertain program for which funds are denied in lower rates, other factors resulting in lower rates of expenditure in a particular fiscal year. The conferences have no objection to conducting the necessary planning activity will continue beyond the issuance of the final report.
prohibited the purchase of fresh fruits and vegetables in Japan when these items could be purchased at less cost in the United States.

Amendment No. 83: Reported in technical disagreement. The Managers on the part of the Senate will offer a motion to reconsider in the Senate on October 1, 1979. The House to the amendment of the Shanker amendment, which deleted section 774 of the House passed bill and agreed to its inclusion as section 776. This section permits use of funds for elective surgery for minor dermatological blondes and marks.

Amendment No. 91: The conference report would have limited pay raises to foreign nations, but precludes their receiving two pay raises in a single year. The managers agreed to include Canal Zone Governors.

also, by including this section in the bill the conference reaffirms the intent of the House report that the DOD school teachers in Panama, who were employed in the schools in the Panama Canal Zone prior to October 1, 1979, would have received a raise based on the established rates of basic compensation in effect on October 1, 1979. Thus, the canal teachers would be entitled to receive a raise on October 1, 1979.

The conference also agreed that in view of the significant wage differential between comparable teachers in other DOD schools, the canal teachers also be entitled to receive a raise on October 1, 1979.

Amendment No. 88: The Senate receded and agreed to the deletion of the provision which would have restricted the use of Space Available Air Transport as proposed by the House on May 2, 1979, with comparable experience, in lieu of the matter proposed by said amendment. This section provides all transferred personnel to the DOD system is comparable to comparable teachers in other DOD schools, the canal teachers also be entitled to receive a raise on October 1, 1979.

Also, by including this section in the bill the conference reaffirms the intent of the House report that the DOD school teachers in Panama, who were employed in the schools in the Panama Canal Zone prior to October 1, 1979, would have received a raise based on the established rates of basic compensation in effect on October 1, 1979. Thus, the canal teachers would be entitled to receive a raise on October 1, 1979.

The conference also agreed that in view of the significant wage differential between comparable teachers in other DOD schools, the canal teachers also be entitled to receive a raise on October 1, 1979.

Amendment No. 87: The conference receded and agreed to restore the House language which permits supplies purchased through working capital funds (stock funds) to be sold to contractors for use in performing contracts with the Department of Defense.

Amendment No. 88: The Senate receded from its amendment which deleted section 772 of the House passed bill. This section would have limited pay raises to foreign national employees to seven percent during fiscal year 1980. While the conference agreed to delete the section, the funds provided in the bill specifically for foreign national pay raises were not reduced by a seven percent or less increase. This was done to encourage the Department of Defense to negotiate with host governments to encourage the host governments to absorb a portion of the pay raise, if any.

Amendment No. 89: The conference agreed to delete House language transferring C-130's to the Navy.

Amendment No. 90: The Senate receded from an amendment which deleted section 774 of the House passed bill and agreed to its inclusion as section 776. This section provides for the use of funds for elective surgery for minor dermatological blondes and marks.

Amendment No. 91: The conference report would have limited pay raises to foreign nations, but precludes their receiving two pay raises in a single year. The managers agreed to include Canal Zone Governors.

Sec. 770. The Secretary of the Air Force shall acquire and install, with such funds as may be available to him, a civilian early warning system at each Titan II missile site to the extent found necessary or desirable by the study conducted pursuant to section 812 of the Department of Defense Authorization Act, 1980.

The Managers on the part of the Senate will move to concur in the amendment of the House made in Committee of Conference to section 813 of the Department of Defense Authorization Act, 1980.

Recent accidents at Titan II missile sites involving the release of toxic gas makes the installation of an early warning system mandatory.

INTELLIGENCE AND INTELLIGENCE RELATED ACTIVITIES

The conference agreed to reductions of $85.8 million for intelligence activities instead of reductions of $160.6 million as proposed by the House and reductions of $113.3 million as proposed by the Senate.

For intelligence related activities, the conference agreed to reductions of $339.5 million instead of reductions of $356.8 million as proposed by the House and reductions of $120.5 million as proposed by the Senate.

The reasons for the reductions and reclassifications, which are spread throughout various appropriations in order to maintain warning system, are explained in detail in a classified annex to this report.

CONсолIDATED TELECOMMUNICATIONS, COMMAND AND CONTROL

For consolidated telecommunications, command and control programs, which are funded in many different appropriations accounts, the conference agreed to a net reduction of $190,132,000 instead of reductions of $214,080,000 as proposed by the House and reductions of $154,000,000 as proposed by the Senate.

Among the more significant reductions made in the telecommunications budget this year were the following:

- Strategic satellite system - $51,400,000
- Defense-satellite communications system II (DSCS II) - $52,815,000
- Extremely low frequency (ELF) communications - $13,494,000
- Consolidation of communications centers - $10,060,000
- WWMCCS - $15,160,000

Despite the above mentioned reductions, it should be noted that a substantial increase in the procurement accounts was provided in telecommunications in the accompanying bill.

CONFERENCE TOTAL—WITH COMPARISONS

The total net budget (obligational) authority for the fiscal year 1980 recommended by the President is $2,260,000,000. The Senate and the House bills for fiscal year 1980 follow:

Congressional Record - House
CONFERECE REPORT ON S. 1143, ENDEGARED SPECIES ACT AMENDMENTS

Mr. MURPHY of New York submitted the following conference report, and statement on the Senate bill (S. 1143) to extend the authorization for appropriations for the Endangered Species Act of 1973, and for other purposes:

Conference Report No. 96-697

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 1143) to extend the authorization for appropriations for the Endangered Species Act of 1973, and for other purposes, having met, after full, and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 2(a) (5) of the Endangered Species Act of 1973 (16 U.S.C. 1531(a) (5)) is amended by striking out "fish and wildlife" and inserting in lieu thereof "fish, wildlife, and plants."
are authorized to be appropriated to the Secretary to assist review boards and the Committee in carrying out their functions under subsection (a). Each of the acts of the Commission not to exceed $600,000 for each of fiscal years 1979, 1980, 1981, and 1982.

Sec. 6. Section 1539 (f) of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended—

(1) by inserting "and plants" immediately after "fish or wildlife" in subsection (b) (1);

(2) by striking after "fish or wildlife" each place it appears in subsection (b) (3);

(3) by striking out "plants" immediately after "fish or wildlife" in subsection (c) (1); and

(4) by striking out subsection (e).

Sec. 6. (a) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is further amended by—

(1) by adding immediately after section 8 the following new section:

"CONVENTION IMPLEMENTATION

Sec. 8A. (a) MANAGEMENT AUTHORITY AND SCIENTIFIC AUTHORITY. The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is designated as the Manager and the Scientific Authority for purposes of the Convention and the respective functions of such Authority shall be carried out under the United States Fish and Wildlife Service.

(b) MANAGEMENT AUTHORITY FUNCTIONS. The functions necessary and appropriate to carry out the functions of the Management Authority under the Convention shall be carried out by the Secretary or his designee.

(c) SCIENTIFIC AUTHORITY FUNCTIONS. The Secretary shall do all things necessary and appropriate to carry out the functions of the Scientific Authority under the Convention.

(d) INTERNATIONAL CONVENTION ADVISORY COMMISSION. There is hereby established the International Convention Advisory Commission (hereinafter in this section referred to as the 'Commission').

(1) The Commission shall be composed of the following members:

(A) One member appointed by each of the following Federal officers from his respective agency:

(i) The Secretary of the Interior.

(ii) The Secretary of Agriculture.

(iii) The Secretary of Commerce.

(iv) The Director of the National Science Foundation.

(v) The Chairman of the Council on Environmental Quality.

(B) One member appointed by the Secretary from among officers and employees of the State agencies having fish and wildlife conservation and management responsibilities for the purposes of completing such agency action—

(1) regardless whether the species was identified in the biological assessment; and

(2) only if a biological assessment has been conducted under subsection (c) with respect to such agency action.

(C) Any member who shall be permanent under subparagraph (A) unless—

(i) the Secretary finds, based on the best scientific and commercial data available, that such extinction would result in the extinction of a species that was not the subject of consultation under subsection (a) (2) or was not identified in any biological assessment conducted under subsection (c), and

(ii) the Committee determines within 60 days after the date of the Secretary's finding that the extinction should not be permanent.

If the Secretary makes a finding described in clause (i), the Committee shall meet with respect to the matter within 30 days after the date of such finding to consider any application for exemption based on the findings of the Committee.

(12) by amending the first sentence of subsection (q) to read as follows: "There are authorized to be appropriated to the Secretary to assist review boards and the Committee in carrying out their functions under subsection (a).

Sec. 7. Section 10(f) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)) is amended—

(1) in paragraph (4), by inserting "unless such exemption is renewed under paragraph (8) after certification" in subparagraph (C); and

(2) by adding at the end thereof the following new paragraphs:

"(A) Any person to whom a certificate of exemption has been issued under paragraph (4) of this subsection may apply to

December 11, 1979
the Secretary for a renewal of such exemption for a period not to exceed three years beginning on the expiration date of such certificate. Such application shall be made in the same manner as the application for renewal of such exemption was made under paragraph (3), but without regard to subparagraph (A) of such paragraph.

"(B) If the Secretary approves any application for renewal of an exemption under this paragraph, he shall issue to the applicant a certificate of renewal of such exemption which shall provide that all terms, conditions, prohibitions, and other regulations made applicable by the original certificate shall remain in effect during the period of the renewal.

"(C) No exemption or renewal of such exemption made under this subsection shall have force and effect after the expiration date of such certificate of renewal of such exemption issued under this paragraph.

SEC. 8. Section 15 of the Endangered Species Act of 1973 (16 U.S.C. 1542) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 15. Except as authorized in sections 6, 7 and 9 of this Act, there are authorized to be appropriated—

"(1) not to exceed $25,000,000 for each of fiscal years 1979 and 1980, not to exceed $25,000,000 for fiscal year 1981, and not to exceed $25,000,000 for each fiscal year thereafter, to enable the Department of the Interior to carry out such functions and responsibilities as it may be given under this Act; and

"(2) not to exceed $2,500,000 for each of fiscal years 1979 and 1980, not to exceed $3,000,000 for fiscal year 1981, and not to exceed $5,000,000 for fiscal year 1982 to enable the Department of Commerce to carry out such functions and responsibilities as it may be given under this Act.

"(3) not to exceed $1,500,000 for fiscal year 1980, not to exceed $1,750,000 for fiscal year 1981, and not to exceed $3,500,000 for fiscal year 1982 to enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this Act and the Convention which pertain to the importation or exportation of plants, as follows:

And the House agrees to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill as agreed to.

JOHN M. Murphy,
Chairman,
Managers on the Part of the House.

JOHN C. Culver,
Chairman,
Managers on the Part of the Senate.

JOHN M. murphy,
JOHN B. Breaux,
JOHN C. Culver,
EDWIN B. Bowen,
Paul N. McCloskey, Jr.,
GARY Hart,
JOHN H. Chafee,
ROBERT T. Stafford,
Managers on the Part of the Senate.
noted that petitions filed with the Department had been misplaced and that the Department failed to adequately implement any of the Act and recover its systems. The conference believes that the Department is well on its way toward resolving these problems. The conference believes that these procedures are adequately developed and implemented. The House amendment requires the development of a recovery priority system, but does not require the listing of species and the wildlife agencies to frame efforts to be suspended pending the development of the guidelines. The conference notes that the biological opinions have already been developed by the Department of the Interior for internal guidance. The Secretary is merely required to publish the details of the systems and solicits comment on them.

**SECTION 4**

Section 4(1)

The conference report adopts the language of the House to insulate consultation by Federal agencies with the Fish and Wildlife Service and the National Marine Fisheries Service from specified action. The amendment, which would require all Federal agencies to ensure that their actions are not likely to jeopardize endangered or threatened species, brings the language of the statute into conformity with existing agency practice, and judicial decisions, such as the opinion in National Wildlife Federation v. Coleman.

Section 7(b) of the Act requires the Fish and Wildlife Service and the National Marine Fisheries Service to render biological opinions with respect to whether or not proposed agency actions would violate section 7(a) (2). Courts have given substantial weight to these biological opinions as evidence of an agency's consideration of the Act's requirements. The conference believes that the continued existence of any species proposed to be listed as endangered or threatened cannot be ensured until a decision is made whether Section 7 should apply until a species has been formally listed. The conference also notes that the Supreme Court has held that the continued existence of the species is not assured until a decision is made whether Section 7 should apply regardless of the state of completion of the project. 11 ERC 1706, 1717 (1978).

As currently written, however, the law could be interpreted to force the Fish and Wildlife Service and the National Marine Fisheries Service to issue negative biological opinions whenever the action agency cannot guarantee with certainty that the agency action will not jeopardize the continued existence of the species or adversely modify its critical habitat. The amendment will permit the action agency to in place the proposed project, as determined by the Secretary, under this section to be conducted in cooperation with the Secretary. The conference believes that the formal regulatory process may inhibit the effective implementation of the Act and the development of recovery programs. The conference report merely requires the procedures to be developed by the Secretary, however, to provide an opportunity for consultation with the Secretary to make the proposed procedures public and to provide an opportunity for consultation on them.

Although Section 3(8) requires the development of a listing and recovery priority system, it does not require the listing of species and the wildlife agencies to frame efforts to be suspended pending the development of the guidelines. The conference notes that the biological opinions have already been developed by the Department of the Interior for internal guidance. The Secretary is merely required to publish the details of the systems and solicits comment on them.

Federal actions initiated after November 10, 1978 and designed primarily to result in the building, erection, or construction of and the like. The change proposed by Section 4(4) is significant because, for the first time, it authorizes all exemption applications to be filed. The change in Section 7(b)(2) of the Act identifies the completion of a biological assessment as a prerequisite to receiving a permanent exemption. Biological assessments are designed to assist Federal agencies in determining whether Section 7 applies to such agency action. It should be initiated by identifying endangered or threatened species that may be present in the area affected by the proposed project or by identifying the impacts of those projects on such species. Because the exemption may be permanent, even as to those species not identified in a biological assessment, it is important that the assessment be as complete and thorough as possible so that future conflicts can be avoided. Subjecting privately conducted assessments to the supervision and scrutiny of the Federal agency will assist the development of adequate assessments.
becomes judicially reviewable under 5 U.S.C. 702.

The conferences retained the exemption filing period provided in existing law for agency actions other than those involving a permit or license applicant. Thus, a Federal agency decides that it cannot comply with the requirements of Section 7 after considering a wildlife agency's automatic permit or license indefeasibility for an exemption within 90 days of that decision. The conferences retained this provision, however, because of the need to clarify that there may be many agency actions not involving a permit or license applicant. Thus, the conference report states that (i) the Secretary shall make a determination to withdraw a permit or license application. Thus, the conference report states that (i) the Secretary shall make a determination to withdraw a permit or license application, and (ii) it is necessary to have withdrawal authority if the applicant wishes to withdraw the application.

Section 7(c) of the conference report makes it clear that these requirements apply to Federal agencies and to the conferees established an independent advisory commission to provide unbiased scientific advice on those matters within the responsibility of the Scientific Authority and to make decisions required of the Scientific Authority and the Management Authority by the International Convention. The conference report states that the Secretary is required to provide the Commission with an advisory commission composed of the following:

- One member appointed by each of the following Federal Officers:
  1. The Secretary of the Treasury, 2. The Secretary of Agriculture, 3. The Secretary of Commerce, 4. The Director of the National Science Foundation, and 5. The Chairman of the Council on Environmental Quality.

With the exception of the State fish and wildlife representative, the agencies represented on the advisory commission are identical to the agencies represented on the Endangered Species Scientific Authority (ESSA). The State fish and game officials essentially replaces the representative from the Department of Health, Education and Welfare on the existing ESSA. The heads of the agencies represented on the advisory commission are free to appoint the individual now representing them on the ESSA to the advisory commission, although they are not required to do so.

The conference report states that this provision is not intended to add responsibilities to the Commission or to the Secretary. The conference report states that this provision is not intended to add responsibilities to the Commission or to the Secretary. The conference report states that this provision is not intended to add responsibilities to the Commission or to the Secretary.
a written explanation of the reasons for his decision. The Secretary’s explanation, along with any findings required by the Convention, should be sent to the Federal Register. The Secretary’s explanation should be sufficiently detailed to adequately inform the Commission of the nature of the evidence relied on by the Secretary in reaching his decision. The Secretary should provide an opportunity for public comment on all Management Authority and Scientific Authority decisions.

Section 6 designates the Secretary of the Interior as the Management Authority for the purposes of the Convention. The conferences note that the Endangered Species Act of 1973 and Reorganization Plan Number 4 of 1970 vest jurisdiction in certain marine species the Secretary should consult with the National Oceanic and Atmospheric Administration within the Department of Commerce and implement the NOAA recommendations in this area.

Section 7

Section 7 adopts the House amendment to Section 10(f) of the Act. This amendment will permit the extension of the so-called “ scrimshaw” exception for an additional three years. It would permit the owners of certain whale parts and products which were held in stock prior to 1973 to continue trading such products for an additional three years. The conferees wish to emphasize that this represents the last extension of Section 10(f) of the Act. Three years ago, the holders of these products, primarily scrimshaw artists in New England and the Pacific Northwest, requested the conferees, in the Congress, and the President to extend this provision for consumer controversies, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The motion was agreed to.

In the Committee of the Whole

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the Senate bill, S. 423, with Mrs. SPELLMAN in the chair. The Clerk read the title of the Senate bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, December 10, 1979, the Clerk had read through line 17 on page 41.

Are there any amendments to section 17? If not, the Clerk read section 2.

Mr. KASTENMEIER. Madam Chairman, I ask unanimous consent that the Committee amendment be offered by the gentleman from Wisconsin (Mr. KASTENMEIER). Do I understand his unanimous-consent request is to open the bill to amendment at any point?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin (Mr. KASTENMEIER)?

Mr. KASTENMEIER. Madam Chairman, I reserve the right to object.

I would seek to address a question to the gentleman who has made the unanimous-consent request consent to open the bill to amendment at any point, Mr. KASTENMEIER. Do I understand his unanimous-consent request is to open the bill to amendment at any point?

Mr. KASTENMEIER. Madam Chairman, will the gentleman yield?

Mr. KASTENMEIER. Madam Chairman, I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. That is correct.

Mr. KASTENMEIER. Madam Chairman, I am constrained to object to that procedure. I would suggest that it might be read section by section, with no objection, but I would object to the unanimous-consent request to open the bill for amendment at any point.

The CHAIRMAN. Objection is heard.

The Clerk reads as follows:

The Clerk read as follows:

The House passed this bill, without amendment, on June 10, 1979, by the following vote:

For the bill—Mr. BROYHILL, Mr. KASTENMEIER, Mr. CULVER, Mr. DOVETEL, Mr. DINGELL, Mr. HART, Mr. MURPHY, Mr. BLY, Mr. AYRES, Mr. BLACKWELL, Mr. GIBSON, Mr. MURPHY, Mr. FORD, Mr. GETTY, Mr. BOSWELL, Mr. SHELTON, Mr. STAFFORD, Mr. WILSON, Mr. HUNTER, Mr. FORBES, Mr. CULVER, Mr. DOVETEL, Mr. DINGELL, Mr. HART, Mr. MURPHY, Mr. BLY, Mr. AYRES, Mr. BLACKWELL, Mr. GIBSON, Mr. MURPHY, Mr. FORD, Mr. GETTY, Mr. BOSWELL, Mr. SHELTON, Mr. STAFFORD, Mr. WILSON, Mr. HUNTER, Mr. FORBES

Against the bill—Mr. HUNTER, Mr. FORBES

The question is on the motion of the gentleman from Wisconsin (Mr. KASTENMEIER) to limit the debate to 5 minutes, but I do think that since the rule was granted on Thursday of last week, and general debate was concluded on yesterday, that the Committee of the Whole may not have finished its consideration of the statute of the bill before us is. It is our hope that we can conclude consideration of the bill this afternoon.

The gentleman from North Carolina (Mr. BROYHILL) to consider two or three amendments which both sides have agreed to, to make the text of the Committee on the Judiciary substitute and the Committee on Interstate and Foreign Commerce substitute conform. The Members perhaps should understand that two committees, the Committee on Interstate and Foreign Commerce and the Committee of the Whole concluded action was jointly held hearings and processed this bill.

The bill in which each of the committees concluded action was virtually identical. The Broyhill amendment would make them even more so.

There may be several other amendments to the bill, but I think Members should know that the bill was processed last year, was passed unanimously by the other body and was again passed this year by the Senate.

Last year the Committee on Interstate and Foreign Commerce in the last week of the session brought it on the House floor, unfortunately under suspension. It failed narrowly to gain two-thirds. I think the vote was 215-186.

We have attempted to improve that bill this year. Both the Committee on Interstate and Foreign Commerce and the Committee on the Judiciary have worked on the bill. I think the vote was 272-186.

Its supporters include a long list of organizations, such as the American Bar Association, the United States Office of Consumer Affairs, the Chamber of Commerce of the United States of America, Ford Motor Co., National Association of
Automobile Dealers, and the Motor Vehicle Manufacturers Association of the United States. Unfortunately, Chrysler Motors is particularly concerned elsewhere and has not specifically endorsed this bill, but AUTOCAP has. There is no organized opposition to the bill.

Here is a more detailed list of the bill's supporters:

**SELECTED LIST OF SUPPORTERS**

American Bar Association.
American Arbitraion Society.
American Friends Service Committee.
AUTOCAP.
Center for Community Justice.
Chamber of Commerce of the United States of America.
Cleveland (Ohio) Center for Dispute Settlement.
Columbus (Ohio) Nights Prosecutor's Program.
Community Board Program, San Francisco, California.
Conference of Mayors.
Conference of (State) Chief Justices.
Congress Watch (Public Citizen).
Consumer Electronics Group of the Electronic Industries Association.
Consumers Federation of America.
Consumers Union.
Conference of Retail Business Bureaus, Inc.
Department of Consumer Affairs, New York City.
Dispute Services Project for Services and Research in Dispute Resolution (Oklahoma State University).
Dispute Settlement Program, State of Florida.
Equal Justice Foundation.
International City Management Association.
League of Cities.
Motor Vehicle Manufacturers Association of the United States.
National Association of Automobile Dealers.
National Association of Counties.
National Center for State Courts.
National Consumers League.
National Home Improvement Council.
National Institute for Consumer Justice.
National Manufacturers Housing Federation, Inc.
National Retail Merchants Association.
National Senior Citizens League Center.
Neighborhood Justice Center of Atlanta, Inc.
Office of the Public Advocate, State of New Jersey.
Found Conference Follow-up Task Force.
Santa Clara County Bar Association.
Sears, Roebuck and Co.
Small Claims Study Group.
United States Office of Consumer Affairs.

We have for the first time both consumer and business organizations supporting what should be a less expensive, more expeditious way of resolving disputes without going to court. That is what the bill is all about. I trust we can get on with the bill this afternoon.

I joint my colleagues, the gentleman from North Carolina (Mr. Preyer), who is chairman of the subcommittee on Interstate and Foreign Commerce; the gentleman from North Carolina (Mr. Byrd), who is the ranking minority member of the Committee on Interstate and Foreign Commerce; the gentleman from Illinois (Mr. Ralsback), who is the ranking minority member of the Committee on the Judiciary, all of whom are instrumental in processing the bill today.

Mr. RAILSBACK. Madam Chairman, will the gentleman yield?

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

Mr. RAILSBACK. I thank the gentleman for yielding.

I simply want to say that I think that it is very significant that there is such widespread support from both the business community, including the National Chamber of Commerce for this bill. I do want to point out to my colleagues on the committee that the members of the subcommittee that sat and considered the legislation are all supporting it, despite the fact that some of our good friends on the minority side, I believe, may be against it. I think there is good support, and it is bipartisan support.

Mr. KASTENMEIER. I thank my colleague and yield back the balance of my time.

Mr. KINDNESS. Madam Chairman, I move to strike the last word.

Madam Chairman, the Committee of the Whole will consider carefully and leave out the nonprofit organizations from the bill, as was proposed in a number of the amendments that were mentioned in debate yesterday. I think that Chamber of Commerce of the United States or some of the other parties who have been suggested as supporting this bill do so. After all, it is quite important for us to make these judgments ourselves and in the interest of our constituents, not on the basis of what the U.S. Chamber of Commerce thinks or any other group.

I am not impressed by the fact that the Chamber of Commerce of the United States or some of the other parties who have been suggested as supporting this bill do so. After all, it is quite important for us to make these judgments ourselves and in the interest of our constituents, not on the basis of what the U.S. Chamber of Commerce thinks or any other group.

I believe we ought to think about this bill in terms of what it can do in the communities we represent. This bill provides for the beginning of a program to establish neighborhood kangaroo courts or other mechanisms for resolving disputes among people.

In the old days, this used to be done by the wardheeler. Remember? In the big cities, that is how you resolved disputes among people. Two neighbors had a little fight about something, where the boundary line was between their properties, or whose cat it was, or what have you. You went to the wardheeler or ward boss. He told the parties how they ought to resolve their dispute if they could not resolve it among themselves. We have a mechanism for doing that again in the future if we pass this bill.

We have a mechanism to get money out to the communities. This is just the beginning of a program, of course. It can be expanded upon over the years with only a 4-year authorization, of course, but it will be reauthorized and extended undoubtedly in the years ahead, if it once gets in place.

□ 1600

The mechanisms you find already in place to provide for these dispute resolution procedures are community action commission type organizations, which are ready to fund these type programs in a lot of communities. I am sure other so-called nonprofit groups can be established to carry out these dispute resolutions.

It is all well and good if we want to have it that way, but I think we ought to stop and realize this is the kind of mechanism that will be employed in the administration of the funds under this bill, particularly if one of the amendments that I propose to offer, which would cut out nonprofit organizations, is not adopted. The reason I would like to alert the Members of the Committee to the amendment that would eliminate non-profit corporations from participation in this bill is that I think they ought to think very carefully about their local government and courts and seek to be able to interact with organizations that will receive funds under this bill. If they are part of the local and State governmental agencies or organizations, there are mechanisms in place to do that. If these moneys go to nonprofit organizations, those nonprofit organizations can have such scope of activity as is defined in their charter. That can be very broad. It could be limited to just the purposes of this act, but it probably would not be and very likely would be picked up by the existing large organizations.

This would be a new program to be funded with Federal funds under their operation.

It might work out all right, and it might work better if we limit it to State and local government organizations alone and leave out the nonprofit organizations. I certainly hope the Committee of the Whole will consider carefully and adopt such an amendment that would take out the nonprofit organizations from coverage of the bill.

We still have with us the problem which was mentioned in debate yesterday of having no definition of what a "minor dispute" is that would be covered by this bill. Consider, if you will, what could happen with an aggressive leadership of a community action commission organization or other nonprofit type of organization in conflict with the local courts and the local government, so no one gets involved with the dispute. If we define a minor dispute more accurately, maybe we can at least keep that under control.

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

(By unanimous consent Mr. Kinross was allowed to proceed for 3 additional minutes.)

Mr. KINDNESS. Consider, if you will, one of these nonprofit organizations. Let us say it is a community action commission which is in conflict with the local government and courts and seeks to work at odds with them. Consider minor disputes as including anything and everything that might be litigable in the courts. Then we might begin to legislate to prohibit that or to keep it from occurring or to even assure such a program would not be funded in succeeding years. We have no protections against such incursions against local government, in other words, that are contained in the bill. I think it is inviting trouble.

So I will be offering an amendment at such a late time to at least provide that local government get notice of these programs or program applications and have the opportunity to comment, not just the Attorney General of the State and the chief judicial
officer of the State and the chief executive officer of the State. It is just as important that those at the local governmental level have an opportunity for some input, at least. I suggest to my colleagues that it ought to be under the control of the governmental and State governments, and that there ought to be at least a reasonably precise definition of minor disputes. I will offer to strike, and he certainly has every right to do that, and debate in his very, very competent manner for his amendment, but he wants to strike nonprofit organizations. Well, now, what in the world are the differences between, then, the wardheeler and the wardheeler? Have my colleagues ever heard of a wardheeler who did not make a profit? I did not.

I will tell my colleagues the way we used to work out some of these disputes back in a simpler and happier stage of our society. At that time there might be a political leader, some people, of course, who would say that their political leader is an outstanding citizen, a pillar of the community, and the other fellow's political leader, of course, is a wardheeler, but the point is to resolve disputes. Some people have to resolve disputes such as a personnel and have him straighten out a problem that arises in the community, and that was a benefit to our society because the people did not have to go to court, and they might not get that sort of issue. It is true that they might not get into a case of aggravated assault and battery. It is good to have an end brought to these disputes.

Mr. RAILSBACK. Madam Chairman, I do not think the gentleman from Illinois (Mr. DANIELSON).

Mr. RAILSBACK. In that respect, I have a case to visit a program in San Francisco which was really not run for profit. It was probably the very best program that I saw, where they had literally volunteers and panels of five doing the mediating. Furthermore, they had so many volunteers that they actually have a waiting list of people that are willing to take $10 a month to sit and try to mediate between eight guys and such a person and have him straighten out a problem in the community, and that was a benefit to our society because the people did not have to go to court, and they might not get into a case of aggravated assault and battery. It is good to have an end brought to these disputes.

Mr. RAILSBACK. Madam Chairman, it may be that this comment is not entirely necessary because, as I look about within the Judiciary Committee and the Committee on Interstate and Foreign Commerce, I think that with every bit as much sensitivity as the Federal Government, at least the Senate, would hope we would not set up such a level of minor disputes. Essentially it would set a level of $300 as a monetary interest involved and would exclude those disputes involving allegations of bodily injury which require complicated proof, or criminal conduct, which belong in the criminal courts, and that would otherwise occur between family members and neighbors, landlords and tenants, consumers and businesses, and buyers and sellers as set forth in the finding of the bill as the purpose of the measure.

I would hope there would be support, particularly for defining what it is we mean by a minor dispute, since that is not what the whole bill rests on. If we have not defined what it is we are getting at, then there is no sense on this program to see the likelihood of it growing much more rapidly. I would hope we would not set up such a monster in legislative form when it is not necessary to begin with, and the States are approaching this problem. I think, with every bit as much sensibility as the Federal Government, at least the Senate, would hope we would not set up such a level of minor disputes. Essentially it would set a level of $300 as a monetary interest involved and would exclude those disputes involving allegations of bodily injury which require complicated proof, or criminal conduct, which belong in the criminal courts, and that would otherwise occur between family members and neighbors, landlords and tenants, consumers and businesses, and buyers and sellers as set forth in the finding of the bill as the purpose of the measure.

I would ask the Members of the Committee of the Whole not only to consider these amendments carefully, but to consider that this bill is something we do not really need.

Mr. DANIELSON. Madam Chairman, I move to strike the last word.

Madam Chairman, it may be that this comment is not entirely necessary because, as I look about within the Committee on Interstate and Foreign Commerce, I think that with every bit as much sensitivity as the Federal Government, at least the Senate, would hope we would not set up such a level of minor disputes. Essentially it would set a level of $300 as a monetary interest involved and would exclude those disputes involving allegations of bodily injury which require complicated proof, or criminal conduct, which belong in the criminal courts, and that would otherwise occur between family members and neighbors, landlords and tenants, consumers and businesses, and buyers and sellers as set forth in the finding of the bill as the purpose of the measure.

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I would ask the Members of the Committee of the Whole not only to consider these amendments carefully, but to consider that this bill is something we do not really need.

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Mr. BUTLER. If the gentleman would yield further, I want to take note of his statement that this is seed money. We are talking about seed money, from whence trees grow. The seeding process is described on page 54 of the bill, and I would invite the Members' attention to page 10. I am talking about an effort directed to developing the seeding process. There are 10 pages of legislative description.

Now, how many disputes are we going to resolve with 10 pages of legislative description? Then, after that of course is the regulations that the Attorney General and the Department of Justice are going to issue. That, I think, points up the real problem of taking over a State and local responsibility.

The time of the gentleman from Michigan has expired. (At the request of Mr. BUTLER and by unanimous consent, Mr. SAWYER was allowed to proceed for 3 additional minutes.)

Mr. BUTLER. Will the gentleman yield further?

Mr. SAWYER. I yield to the gentleman.

Mr. BUTLER. I thank the gentleman for yielding, because I think if I may return to the point, this is a State and a local responsibility. When the Federal Government gets involved in it, then we get excited and all worked up about everything. I do support Federal assistance and procedures, but I think to do so, get so far removed from the problems we do not really solve any of the problems at all. I invite the Members to take the time to read the 10 pages of this bill talking about the grant program format.

It starts out:

The Attorney General may provide financial assistance in the form of grants...

Then on page 55:

As soon as practicable... the Attorney General shall prescribe...

Then we have (1), (2), (3), and (4) conditions and then (i), (ii), (iii), (iv), (v) subconditions. Then we are back to No. (5) and on the following page under (7) we have got more conditions. Then we come down to the bottom of page 57 if we look at the statute.

We have got it set forth the proposed plan demonstrating the manner in which the financial assistance will be used. It never tells us what a minor dispute is, but it tells us about a new dispute mechanism.

Mr. SAWYER. If I may recapture my time, did the gentleman from Virginia support LEAA, the Law Enforcement Assistance Administration?

Mr. BUTLER. From time to time I did, and I certainly appreciate the fine work they have done in this area. I wonder why we need to duplicate it.

Mr. SAWYER. LEAA is doing everything they can, providing second-chance vests for local police.

Mr. BUTLER. Does the gentleman from Michigan subscribe to that? Does he think that is a good use of Federal time, money, talent, and regulation?

Mr. SAWYER. Here we are sowing some corn to grow into big oaks and, hopefully, this will start them.

Mr. BUTLER. I am awfully afraid these acorns are going to be converted into chestnuts and will never get back into the air.

Mr. SAWYER. I am sure if they are exposed to the air in the chamber they will not survive very long.

The CHAIRMAN. The Clerk will read section 3.

The Clerk reads as follows:

DEFINITIONS

Sec. 3. For purposes of this Act—

(1) the term "Advisory Board" means the Dispute Resolution Advisory Board established under section 7(a);

(2) the term "Attorney General" means the Attorney General of the United States (or the designee of the Attorney General of the United States);

(3) the term "Center" means the Dispute Resolution Resource Center established under subsection (c);

(4) the term "dispute resolution mechanism" means—

(a) a court with jurisdiction over minor disputes;

(b) a forum which provides for arbitration, mediation, conciliation, or a similar procedure, which is available to resolve a minor dispute; or

(c) a governmental agency or mechanism with the objective of resolving minor disputes;

(5) the term "grant recipient" means any State or local government, any State or local governmental agency, and any nonprofit organization which receives a grant under this Act.

(6) the term "local" means of or pertaining to any political subdivision of a State;

(7) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

Mr. KASTENMEIER (during the reading). Madam Chairman, I ask unanimous consent that the following amendments be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENTS OFFERED BY MR. BUTLER

Mr. BUTLER. Madam Chairman, I offer amendments.

The Clerk reads as follows:

Amendments offered by Mr. Butler. On page 43, strike out lines 18, 19 and 20, and replace the subsections that follow accordingly.

On page 48, beginning on line 7, strike the following: "and a Dispute Resolution Advisory Board.

On page 50, beginning on line 1, strike the following: "after consultation with the Advisory Board" and begin on line 8, strike "after consultation with the Advisory Board", and beginning on line 10, strike the following: "after consultation with the Advisory Board".

On page 52, beginning on line 15, strike the entire section 7 down through page 54, lines 26 and 27, and renumber the sections that follow accordingly.

On page 55, beginning on line 13, strike the following: "after consultation with the Advisory Board".

On page 65, beginning on line 14, strike
Mr. BUTLER. Madam Chairman, I ask unanimous consent that further reading of the amendments may be dispensed with, and that the bill be voted upon.

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

There was no objection.

Mr. BUTLER. Madam Chairman, this series of amendments is addressed to the Dispute Resolution Advisory Board. I do not want to mislead my friends in the committee, but I do not like this bill. I think it is an inappropriate extension of Federal responsibility.

It is a new Federal program that spends Federal money necessarily to meet problems which the States are undertaking to meet themselves in a very worthwhile and responsible manner. But if we are determined to have this bill, then I really see no reason to encumber it with a lot of extra factors that really do not belong in this sort of legislation.

I think that is the reason that I trespass on the Members' time for these few moments to ask that they strike out the Dispute Resolution Advisory Board. It appears on page 55 of the bill, if the Members have it before them.

This Dispute Resolution Advisory Board is charged with the responsibility of reporting to the Attorney General. In section 7(a), "The Attorney General shall establish a Dispute Resolution Advisory Board..." Then the next several paragraphs are directed to what the Board shall do.

Basically they are going to advise the Attorney General of the United States. There is nothing in the law that says the Attorney General has to have a Board to find out what he needs to know about dispute resolution mechanisms. I think the information is already present there. There is the National Center for State Courts, for example. There are many States experimenting with it, and I see no reason to put a nine-member Advisory Board in this bill to advise the Attorney General.

Now I am really seriously, strongly supported this, as far as I can tell. The Attorney General has the option, of course, of circumventing the Advisory Board if he wants to. If he needs help, he can consult anyone he wants to.

To give the Members an example of how unnecessary it is, even the Senate does not have this Board in its bill. It does not contribute anything to the objectives of the legislation that we could not accomplish without it. But it does burden it, again, with too many words, too many problems, too many areas for argument that we cannot accomplish without it. It is just one of those things that we do not need in Federal legislation.

If we are determined to implement this program—and I would advise against it—it seems to me we want to do the best we can to get all the money we possibly can zeroed in on the problem of resolving disputes and not waste it on a bureaucracy of creating another Board. It is the kind of Board we have heard Presidential candidates campaign against.

Every time we create a Federal agency, we do not need to have another Advisory Board which serves no useful purpose.

For that reason I urge your support of this amendment and simply strike this excess baggage from the bill.

Mr. SENSENBRENNER. Madam Chairman, will the gentleman from Wisconsin?

Mr. BUTLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman for yielding. I would like to commend the gentleman from Virginia for introducing this amendment and urge that the committee support it.

This bill seems to start out a new Federal program in the classical manner by having a relatively small amount of Federal money support an Advisory Board and establish an Information Disseminating center to pump out all kinds of credit material on what a good job this program is doing.

As a result of the kinds of programs build up a clientele so that when the time comes for the program to be authorized, the Members of this House and of the other body are inundated with mail from people who have been the beneficiaries of the largest even in small amounts. I think that the Advisory Board is going to basically become a lobbying operation for the continuation of this program when the time comes for the Sun to set on it.

We need a few less lobbyists in the Federal bureaucracy to ask for additional Federal initiatives and an attempt to put a stop to this kind of lobbying activity is to adopt the gentleman's amendment.

Mr. BUTLER. I thank the gentleman. Madam Chairman, I yield back the remainder of my time.

Mr. McCLOORY. Madam Chairman, I move to strike the last word.

Madam Chairman, I indicated yesterday during general debate my general support of this legislation. At the same time I indicated that I am wary of new Federal initiatives, especially those that will cost money and those that might escalate into something bigger. However, I think for us to abjure all new Federal initiatives would be a disservice and counterproductive. In this case it seems to me that what we are doing is taking a step which can alleviate a lot of the expense and a lot of the burden that is imposed on American citizens who are involved in minor disputes, such as those to which my colleague, the gentleman from Michigan (Mr. SAWYER), made reference.

It seems to me that we are failing to assume a responsibility that we have if we say that we are not going to do anything to those people who are not paid a salary. We are trying to have the Attorney General reflect on the views of the U.S. Chamber of Commerce, which is so strongly opposed to Federal regulation and to increased Federal spending, would provide its support for this legislation if it were going to have any of the horror DUPES that I think one of the opponents of this legislation predict. My prediction is quite the opposite.

The fact that we have imposed a sunset provision on this legislation indicates our determination that it be a temporary program, one which we hope will stimulate and provide the kind of mechanisms and the kind of forums for resolving minor disputes that is necessary to relieve people of the burden of going to court, of hiring lawyers, and getting into all kinds of controversies that they should be assisted in avoiding.

I believe that we should have general support to this legislation.

The amendment offered by the gentleman from Virginia may seem not too consequential. However, it seems to me that a Federal advisory board, in that it can be representative of a broad cross-section of people who can assist the Attorney General and I think that is the function of this legislation, to create a new bureaucracy. As a matter of fact, the advisory board members will have only their per diem. They are not salaried individuals and it is an opportunity for the people who are part of the public to contribute important information and experience which they have.

Madam Chairman, I hope the gentleman's amendment will not be agreed to and that we can get on to the passage of the bill. Let us see if we cannot, during the next couple of years, encourage more and more communities, more and more neighborhood groups, to develop the kinds of dispute centers and forums whereby people can resolve their minor disputes in an efficient, economical way with as few financial and time burdens as possible.

Mr. KASTENMEIER. Madam Chairman, I have to strike the requisite number of words and rise in opposition to the amendment.

Madam Chairman, I do wish to compliment the gentleman from Illinois on the statement just made. I think it is ironic that the gentleman from Virginia (Mr. BUTLER) opposes the Advisory Board. The purpose of it is to provide some guidelines for the Attorney General, by bringing in views of the people who really are interested and involved in the dispute mechanisms.

For example, there are nine persons from various backgrounds. These are people from State government, local government, business organizations, academic or research committees, neighborhood organizations, consumer organizations, legal profession, and the State courts.

Madam Chairman, I assume the make-up will be one individual from each of these areas.

Madam Chairman, they will be compensated, as the gentleman from Illinois (Mr. MCCLOORY) pointed out, on the basis of time and expenses. However, they are not paid a salary. We are trying to have the Attorney General reflect on the views
of these nine people. We are attempting, through this Advisory Board, both in terms of the program and the Dispute Resolution Center, to have the input of these organizations which may be using new dispute mechanisms, and to have the advice and counsel of people who do have an interest in making these mechanisms work and also, importantly, to make sure that the appropriate people are brought to the attention of those in other States who are interested in them.

Mr. KASTENMEIER. Madam Chairman, I thank the gentleman for his contribution.

I would only say in conclusion while the gentleman from Virginia (Mr. Burton) mentioned the Senate and the fact that it is true, the provision of the advisory board is not in the Senate-passed version but is in the version of the Committee on Interstate and Foreign Commerce and the version of the Commission on the Judiciary. I am confident the Senate did not turn this advisory board down, but never had an opportunity to consider it, and that they will accept it. I am so advised and I think it provides no problem at all for them.

Madam Chairman, I urge rejection of the amendment.

Mr. BUTLER. Madam Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Virginia.

Mr. BUTLER. Madam Chairman, I would like to take some of the gentleman's time to address myself to the question he talked about, the composition of the Advisory Board. On the advice of the Attorney General, as the gentleman envisions it, to advise the Attorney General, cannot be carried out very well.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. KASTENMEIER was allowed to proceed for 3 additional minutes.)

Mr. BUTLER. Will the gentleman yield further?

Mr. KASTENMEIER. I do yield further to the gentleman from Virginia.

Mr. BUTLER. It cannot be carried out too well, because if you will look at the composition of the advisory board, there is no one down there on the firing line unless perhaps it is the neighborhood organizations. There are nine members of the advisory board. One comes from State government, one comes from local government, one comes from a business organization, one comes from an academic community, one comes from a neighborhood organization, one comes from a community organization, one comes from the legal profession, and one from the State courts. Now, how are you going to learn how these mechanisms are working if there is no one involved in administering the bill, who is going to participate on the advisory board.

Madam Chairman, I think the gentleman from Wisconsin (Mr. Sensenbrenner) made a very valid point. This advisory board is not going to be advising because they are not really going to be involved in the process. It is window dressing that does nothing except to waste the taxpayers' money flying the members in from California for quarterly meetings when the purpose of the legislation is to resolve disputes, not to run an advisory board around the United States.

Mr. KASTENMEIER. Madam Chairman, I would say in answer to the gentleman from Virginia (Mr. Burton), people from whom who will ultimately comprise the Advisory Board will be people who do and will know what is going on in this field. These are people picked at random. These are people who, as circumstances permit, are professionally aware and informed experts in the area of minor dispute resolution. These are the people the Attorney General will select to aid him in this regard.

Mr. HYDE. Madam Chairman, will the gentleman yield?

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

Mr. HYDE. I thank the gentleman for yielding.

I support the amendment of the gentleman from Virginia (Mr. Butler). I think the bar associations around the country—of which there are many—would be qualified to lend advice and commentary on the effectiveness of these various programs which will vary from community to community as the problems of those communities, urban, rural, and suburban, exist. Nine people really are not going to be able to have their finger on the pulse of the operations of the American Bar Association, the Chicago Council of Lawyers, all of whom would be delighted to have some input to the Attorney General on how this work is going, would be appropriate.

Mr. KASTENMEIER. Madam Chairman, I appreciate the gentleman's comment. Of course, as we know, the American Bar Association supports this legislation vigorously and has provided one of the nine spots for a bar association representative.

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

I rise in support of the amendments of the gentleman from Virginia and in opposition, that is, to the concept of an advisory board being included in the bill.

I think the arguments have been well presented on both sides, but I think we ought to just add one other consideration. What we have is a bill which provides for an advisory board consisting of nine people, the composition of which I think is inappropriate for the type of advice that is going to be given. It simply, in my view, is a means of trying to meet some idea of the American Bar Association and the Chicago Council of Lawyers, all of whom would be delighted to have some input to the Attorney General on how this work is going, and it would be appropriate.

Mr. BUTLER. Will the gentleman yield?

Mr. KASTENMEIER. Madam Chairman, I want to agree with the gentleman that has just spoken. I urge the Member from California (Mr. Burton) to support the amendment that would strike that GS-18 salary for the board members and instead substitute simply travel and per diem and it was accepted. My understanding is that the rate is not at a rate of $850 per day. The people that we have on the ad-
visory board are certainly in my opinion not going to get rich. My feeling is that the advisory board, as has been mentioned by the chairman of the Judiciary Subcommittee is going to provide some outside input at a relatively low cost.

Madam Chairman, I hope we defeat the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Virginia (Mr. BUTLER).

The question was taken; and on a division (demanded by Mr. BUTLER) there were--ayes 170; noes 208.

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

The CHAIRMAN. Evidently a quorum is not present.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that she will require for a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The Chair will announce this is a regular quorum call followed by a 5-minute vote.

The call was taken by electronic device.

The following Members responded to their names: [Roll No. 718]

| AYRES | 170 |

[Concealed text continues in the document]
Mr. BROYHILL. Madam Chairman, I might point out these amendments have been made available to all of those on the Committee, and therefore I believe that they have been involved in the consideration of this bill.

The first three amendments are technical in nature, correcting some spelling and correcting some punctuation.

The other two amendments are clarifying in nature, to spell out and to make it conform with the bill that was reported from the Committee on Interstate and Foreign Commerce, that would spell it out a little more specifically to make sure it is clear that in awarding grants and entering into contracts one of the major priorities in this dispute resolution of consumer disputes.

Also, it would provide that one of the major priorities of the Attorney General in the funding of dispute resolution mechanisms is that it go for those that put emphasis on the resolution of consumer disputes.

I have pointed out, this does conform to the bill that has been reported from the House Committee on Interstate and Foreign Commerce, and I offer it to the bill reported from the Committee on the Judiciary.

Mr. KASTENMEIER. Madam Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Madam Chairman, I thank the gentleman for yielding.

This will indeed serve two purposes. It will cure three technical imperfections in the bill, and second, emphasizes that one of the major priorities will be the resolving of consumer disputes.

This, as the gentleman says, will in fact conform the two bills, the Committee on Interstate and Foreign Commerce bill and the Committee on the Judiciary bill.

I am pleased to accept the amendments.

Mr. BROYHILL. I thank the gentleman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina.

The amendments were agreed to.

Mr. KASTENMEIER. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kindness:

On page 44, line 22, strike the word "and" and insert in lieu thereof the following:

"(7) The term "minor disputes" means those disputes, not involving allegations of bodily injury or criminal conduct, which occur between family members, neighbors, landlords and tenants, consumers and businesses, and buyers and sellers, where the amount in controversy does not exceed $300.

I was very glad to receive a letter that indicated the highest judicial officers also favor this prompt and an amendment to provide that this bill has the been discussed as being one dealing with ways of approaching the resolution of minor disputes.

Yet, there is no definition of minor disputes in this bill. The purpose of this amendment then is to fill that gap.

I realize that we could have differing views as to what is a minor dispute. This definition that is proposed essentially limits it to those monetary considerations below or up to $300.

It would exclude allegations of bodily injury that are complicated to decide. It would exclude allegations of criminal conduct, and what would be left presumably is the small claims that occur as between landlord and tenant, buyer and seller or business and consumer, and between family members and neighbors, the kind of disputes that I believe are intended to be reached by the programs that would be established and funded under this bill.

If someone has a better idea of what a minor dispute should be or how it should be defined, I am certainly open to amending this amendment. For this amendment, but no one seems to have come up with any kind of a definition of a minor dispute.

I think the bill has to have some definition, or else we just do not know what we are dealing with. We do not know what we are spending the taxpayers' money for.

I would urge that the amendment be adopted on that basis.

I would therefore urge my colleagues to adopt the amendment, even though there is still some substantial question as to whether such a bill as this is needed at all.

Mr. PEPPER. Madam Chairman, I move to strike the last word.

Madam Chairman, and members of the committee, all of us know, especially those of us who are lawyers, that the expense of going to the courts and the delay of the law are two of the notorious characteristics of the administration of law.

I have a letter before me dated November 26, 1979, addressed to me:

State of Florida,

Congressman Clарk LaVernet,
Rayburn House Office Building,
Washington, D.C.

Sincerely, Arthur J. England, Jr.,
Chief Justice, Supreme Court.

I support this bill.

Mr. DRINAN. Madam Chairman, I wish to commend Mr. MILLER, Mr. BOOZER, and Mr. MIKULSKI who—together with the Committee on Education and Labor—have worked with so much dedication to prepare the Domestic Violence
If foster care, and so forth—services which the Federal Government will, in the long term, be extremely cost-effective. By sup­porting families at this critical period, we can ensure that children are not abused and that parents can provide a nurturing and healthy environment for their children. Thus, pro­visions in this bill will insure that local projects get off the ground. Such minimal intervention on the part of the Federal Government will, in the long term, be extremely cost-effective. By supporting preventive efforts to deal with domestic violence through local shelters and support services, we will be serving families when they need help. By assisting families at this critical period, we will ultimately save Federal moneys which would otherwise have to go to pay for hospitalization, institutionalization, foster care, and so forth—services which are far more expensive and certainly far less responsive to the needs of our American families.

I strongly urge my colleagues' support of the Domestic Violence Prevention and Services Act.

Mr. CASTENMEIER. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GIALOMO) having assumed the chair, Mrs. SPELLMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 423)—to promote commerce by establishing a national goal for the development and maintenance of efficient, fair, inexpensive, and expeditious mechanisms for the resolution of consumer controversies, and for other purposes, had come to no resolution thereon.

NATIONAL UNITY DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be dis­charged from the further consideration of the joint resolution (H.J. Res. 458) to authorize and request the President to issue a proclamation designating December 7, 1979, as National Unity Day; and ask for its immediate consideration in the House.

The Speaker read the title of the joint resolution.

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

There was none.

The Clerk read the joint resolution, as follows:

WHEREAS an Iranian mob has violated international law by illegally seizing the American Embassy in Tehran; and

WHEREAS American flags prominently displayed on National Unity Day will symbolize our unity and opposition to international terrorism and blackmail; and

WHEREAS a nationwide demonstration of public support for the hostages is the only way to counter the student demonstrations in Iran, which are being broadcast on television audiences around the world:

Therefore, be it

Resolved by the Senate and House of Represent­atives of the United States of America in Congress assembled, That December 7, 1979, is designated as "National Unity Day"; and the President of the United States is authorized and requested to issue a proclamation calling upon all United States citizens and organizations to observe that day by prominently displaying American flags.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Speaker pro tempore. The Clerk reads as follows:

Amendment offered by Mr. GARCIA: Page 2, line 3, strike out "December 7, 1979," and insert "December 18, 1979," in lieu thereof.

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

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

Mr. RINALDO. Mr. Speaker, I rise in support of House Joint Resolution 458, which calls upon the President of the United States to designate December 18, 1979, as National Unity Day. The resolution further requests the President to urge all United States citizens and organizations to observe that day by prominently displaying American flags.

PRIVILEGES OF THE HOUSE—SUBPENA DUces TECUM IN THE CASE ON DONALD GASQUE

Mr. MITCHELL of Maryland. Mr. Speaker, I rise to a question of the privileges of the House.

The Speaker pro tempore. The gentleman will state it.

Mr. MITCHELL of Maryland. Mr. Speaker, I have been served with a subpoena duces tecum for the circuit court of Anne Arundel County, Md., to appear Thursday, December 13, 1979, in the case of Donald Gasque.

Under the precedents I am unable to respond without the permission of the House and the privileges of the House being involved.

I send the subpoena to the desk for such action as the House may take.

The Speaker pro tempore. The Clerk will read the subpoena.

The Clerk reads as follows:

SUMMONS DUCES TECUM

Defendant: Donald Gasque.

Case No. 22,634.

State of Maryland, Anne Arundel County, Sc:

To: Farren J. Mitchell, 1918 Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.

You are hereby summoned to appear before the Judges of the Circuit Court for Anne Arundel County, Court House, Church Circle, Annapolis, Maryland, on Thursday, the 18th day of December, 1979, at 1:30 PM, to testify for the Defendant, and to bring with you a report which you have in your possession which outlines and discusses the conditions at the Maryland House of Correction, Jessup, Maryland.

Failure to attend, may result in your arrest.

Witness the Honorable Judges of the Circuit Court for Anne Arundel County, Maryland.

W. Garrett Larrimore, Clerk.

By Donna Heins, Deputy.

Date issued: December 8, 1979.

Requested by:

Name: James D. McCarthy, Jr., Assistant Public Defender, 60 West Street, Suite 203, Annapolis, Maryland 21401.
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 15 minutes.

Mr. PAUL. Mr. Speaker, most of us saw on television the Iranians marching on one of their holy days and flagellating themselves with chains to the point of drawing blood. I am sure everyone who witnessed this masochistic fanaticism was astounded as was I. It emphasized the bizarre nature of the people we are dealing with in Iran, and the difficulty we have in finding a common ground.

On television, the Iranians marched, in the streets, screaming and using chains to flagellate themselves. It was an act of cruelty and suffering, but I am sure it was designed to make us see their fanaticism for what it is, and to make us understand the nature of our enemies.

Why do we encourage the notion that a no-growth economy is necessary and that lowering our expectations is a rational alternative to new ideas and new production?

Why do we spend $12 billion a year, through the Department of Energy's budget, creating shortages, when the free market could provide all the energy we need?

Why do we destroy the value of our dollar by running the printing presses 24 hours a day, then cry foul when oil prices go up in reaction to this monetary fraud?

Why do we heavily tax those companies that succeed in serving the consumer effectively, and reward the failure with subsidies and guaranteed loans?

Why do we intervene all over the world, pouring billions down foreign rat holes, then wonder when our people and property are threatened?

Why do we give away strategic waterways and negotiate away use of our defense capability, then purchase the votes to ratify the limitations with more spending on weapons we do not need?

Why do we pretend to help the poor with welfare programs, then allow those programs to become a mire of corruption, waste, and fraud?

Why do we encourage the notion that the free market is the solution to every problem?

Why do we allow the Congress to create inflation, then protect ourselves with pay raises?

Why do we talk about freedom as we attempt to control the personal and economic lives of every American?

Why do we watch as politicians and bureaucrats undermine the market and the money with excessive Government, then ask the same people for more Government as a solution?

Why do we make believe that we care for the elderly with an insurance program that of paper dollars, exchanging a barrel of energy in this country?

Why do we make believe that we care for higher taxes, more inflation, and less freedom?

Why do we pretend to care for the elderly with an insurance program that is not insurance and penalize the retired with a vicious inflation tax?

Why do conservatives and liberals talk of individual freedom while conniving to institute compulsory service, military or civilian?

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the subject which has been prepared by my office:

THE POLYGRAPH IN EMPLOYMENT

ISSUE DEFINITION

In both the 95th and 96th Congresses, legislation has been introduced in the House and Senate to ban the use of polygraphs or "lie detectors"—in connection with employment. Interest in this issue has been stimulated by (1) reports that such polygraphs give unwarranted invasions of privacy, and (2) serious questions which have been raised regarding the validity and reliability of such polygraphs.

BACKGROUND

Congress first addressed the issue of polygraphs in 1965, when the House Government Operations Committee issued a report entitled "Use of Polygraphs as 'Lie Detectors' by the Federal Government" (House Report 89-196). It concluded that "There is no 'lie detector,' neither machine nor human" and recommended the prohibition of polygraph use by federal agencies in all but the most serious national security and criminal cases.

In 1976, after further study, the Government Operations Committee recommended that such polygraphs and lie detector devices be discontinued by all government agencies for all purposes." The Committee concurred with the Department of Justice position that polygraph examinations would not be admitted as evidence in the Federal courts. Finally, the Committee recommended (House Report 95-205) noted "the inherent chilling effect upon individuals subjected to such examinations clearly outweighs any purported benefit to the investigative function of the agency."

With regard to the last point, the report referred to a recent study of several U.S. agencies who argued that the polygraph test violated a number of the Bill of Rights amendments to the Constitution, and pointed out that if such devices were used, the polygraph concept, which presumes that an identifiable physical reaction can be attributed to a specific emotional stimulus, this theory clearly undermines the polygraph concept, which presumes that an identifiable physical reaction can be attributed to a specific emotional stimulus.

3. State laws must be reinforced: At least 18 states have measures prohibiting or restricting polygraph use in employment. A federal statute is needed to establish a uniform policy in all states with prohibitions from polygraphing job applicants in states which do not.

BUSINESS AND THE POLYGRAPH

A recently conducted survey, the Dimensions of Privacy, concluded that 55 percent of business employers felt that asking a job applicant to take a lie detector test should be forbidden by law. The Business Roundtable stated in December, 1978, that employment polygraph legislation is needed to protect employees in states with prohibitions from polygraphing job applicants in states which do not.

SECOND CAREER TRAINING FOR AIR TRAFFIC CONTROLLERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

Mr. CORCORAN. Mr. Speaker, I would like to continue my support for H.R. 5870, Congressman Hanley's bill strengthening the second career training program for air traffic controllers, which is being voted on today under a suspension of the rules.

In the past, the air traffic controllers' second career training program has been poorly administered and subject to abuse. Congress has prohibited the use of appropriated funds for fiscal year 1979 for new entries into the second career training program. After extensive hearings and careful review, the Committee on Post Office and Civil Service, of which I am a member, determined that while there is need for improvement in the system of second career training, the program should not be abandoned.

In fact, our committee found that such an alternative career program is more than ever necessary as more and more people take to the skies and air traffic volume increases daily. Air traffic control facilities carry crucial responsibility for human life and requires the ability at all times to make quick life and death decisions. Error in such a job can have devastating consequences and, for the sake of the flying public as well as the controller who works under this stress, we can only afford to have controllers who are capable of working at peak efficiency at all times.

For this reason, we desperately need an effective, fully operational second career training program for air traffic controllers. H.R. 5870 will correct a number of these problems in legislation creating second career training for air controllers and make this a viable program again.

Let these necessary changes include: Limiting eligibility to only certain employees; establishing a review board to set eligibility criteria and review applications and ongoing programs; requiring medical certification of ability to complete the program; increasing minimum eligibility to eight years of service as a controller; and creating a qualification standard for career training programs.

I believe that these changes in the structure of the program will solve the problems that led to the lack of financial support this year, and I urge my colleagues to support this bill.

A TRIBUTE TO DOROTHY S. ROSENBERG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

Mr. LEVITAS. Mr. Speaker, a distinguished public servant, a lovely lady and a dynamic part of the operations of the Smithsonian Institution will be leaving Government shortly.

Dorothy S. Rosenberg, who has spent some 20 years with the Smithsonian after previous service with the Department of the Interior, will give up her position as Executive Assistant to the Secretary of the Smithsonian Institution, S. Dillon Ripley.

The Committee on Public Works and Transportation, under the able leadership of its Subcommittee on Public Buildings and Grounds, has worked throughout the years with the Smithsonian Institution on many pieces of legislation that have developed and make even more effective a very great Institution which is a landmark on the American scene and which yearly serves millions of visitors who come not only from all over the United States but from all over the world.

No small part of the successful operation of the Smithsonian has been the
GASOHOL USAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDabbo) is recognized for 2 minutes.

Mr. ADDabbo. Mr. Speaker, it would seem that gasohol usage can be accelerated much more rapidly, with great advantages to the program to reduce the use of imported oil. It is a well known alternative for automobile use, and there are great quantities of waste in the farm areas that can be readily converted to alcohol. Also, the mash that is left after corn has been used for alcohol can be fed to livestock with very little change in its food value.

As a general rule, each region of the United States needs to make the most of its local energy opportunities. This can avoid needless use of transportation with possible savings, but the population will feel a lot more secure if there are local sources of alternate fuels using local materials, rather than to be excessively dependent on far away sources. The farm areas are particularly fortunate in having large amounts of waste that can be converted into alcohol. In a sense, the alcohol program should go far to make gasohol rationing much unnecessary, since the States which have the alcohol alternative readily available will not need as much gasoline. As sources of alcohol there is opportunity to distill various farm wastes, timber waste, municipal garbage, wax paper, and so forth.

The 10-percent alcohol mixture can be used in any ordinary car without modification. The gasohol octane rating is 89, compared with an octane rating of 87 for unleaded gas. It is claimed to give increased mileage—4.5 more miles to a gallon of gasoline, increased performance, and reduced engine deposits. It is estimated by the Department of Energy that present financial incentives could increase this gasohol usage to about 3 percent of the NATION'S gasoline consumption within 3 years.

While the Department of Energy reports gasohol to be selling in 800 to 1,000 outlets in 28 States, the concentration is in Mideast with about 500 outlets in Iowa, with additional concentrations in Nebraska and Illinois. Outlets in Iowa alone are totaling 3.5 million gallons per month. The Federal tax exemption to encourage gasohol is due to expire in 1984, and early extension would remove uncertainty with regard to plant construction. The similar tax exemptions in some States, but those exemptions are probably temporarily due to need to finance road maintenance.

Is there a Federal loan guarantee and rapid amortization cost in existence now, or is that proposed?

Alcohol for gasohol has no "depletion allowance" such as Federal or State income tax law provides for petroleum, nor for crops that go into gasohol through alcohol. A "depletion allowance" approach involves an exemption in the form of a reduced tax on the product. It is possible that the tax approach for gasohol should be similar to the tax approach for petroleum and petroleum products. Economics of competitive products can be put realistically compared. The alcohol approach to extend liquid fuels has the over-riding advantage of involving renewable resources. It is economically perverse to give more tax breaks to production of nonrenewable resources than to the production from renewable resources. In the cultural area there is little shipping cost for either the raw materials or the alcohol product available for local energy uses.

Since gasohol is less polluting than gasoline, wider use of gasohol may enable electric generation to take place with less restriction. The reduction of carbon monoxide emissions from gasohol may be much more significant, a major factor since the auto is the major air polluter. This should also cause the Environmental Protection Agency to be more lenient than restrictive, since the output of the alcohol plant will enable cleaner auto fuel that can outweigh any pollution that an alcohol plant itself might involve in operation. The alcohol plants are of relatively small size whose environmental disturbance would seem to be de minimis. Many communities which resist oil refineries can welcome alcohol plants, particularly one that can provide waste disposal at the same time.

Recent figures indicate that a rather large gasohol alcohol plant of about 200 million gallons a year capacity, can be built in 18 to 24 months at a cost of approximately $50 million, with a production cost of approximately $1 a gallon of gasohol. Considering the added plant cost that can result from mere delay, it pays to beat the inflation by moving into plant construction as quickly as possible. For gasohol, the added plant cost can be avoided by water content. To avoid the Treasury alcohol tax, the ethyl or grain alcohol is made unfit to drink, but in any event, the alcohol for gasohol can be processed as expensively as alcohol for drinking purposes, thereby saving processing fuel. In fact, the possibility of incorporating solar-heat for fermentation seems an ideal combination of circumstance. Agricultural areas notably have a good supply of Sun.

Alcohol is an easier form in which to store surplus crops, and this may improve the economics of storage of farm surpluses and this can facilitate acreage control programs. This can apply to various farm crops readily available for alcohol production, such as corn, potatoes, sugar cane and sugar beets, wood wastes, cottage cheese whey, et cetera. Alcohol plants also make good garbage-disposal units. There can also be by-products from an alcohol plant, such as protein feed for livestock, protein flour for human consumption, et cetera. It is reported that after conversion of alcohol, the by-product mash has almost all its original value for cattle feed.

Companies that already process crops have been readily attracted to produce...
alcohol for gasohol, as an added product. The current output of alcohol for gasohol in the United States is about 60 million gallons annually, which is used to provide the autofuel market with about 600 million gallons of gasohol a year.

To the purpose of expanding the function of the Rural Electrification Administration (REA) to include a loan program for the production and distribution of alcohol for gasohol. The REA is active in 46 of the 50 States, and since there is opportunity to make alcohol from garbage, there are urban areas where an REA alcohol program can provide a major contribution to get rid of mountains of garbage through constructive action that would benefit the Nation’s fuel supply at the same time. The REA is a complete ongoing Federal program that already was expanded into rural telephone in 1949. Its function can be readily broadened by adding a rural alcohol program through financing rural plants for turning farm wastes and surpluses into alcohol, for mixtures to be sold as gasohol and perhaps as other waste-and-sure sources. The REA's expertise as a result of expanding to allow REA to enable results to show much faster than merely waiting for "things to happen."

The use of alcohol gasohol in rural areas would enable existing gasohol plants to meet existing demands elsewhere with increased possibility of avoiding gasoline rationing entirely in the Nation.

A brief review of the Rural Electrification Administration is in order in this connection. In the Department of Agriculture, REA is one of the activities under the Assistant Secretary for Rural Development. Also under this Assistant Secretary are the Farmers Home Administration, and the Rural Development Service. The REA was established originally as an emergency program in 1935. Congress enacted the Rural Electrification Act of 1936 (49 Stat. 1383; 7 U.S.C. 901-902) for a lending agency with responsibility to develop a program for rural electrification. In 1938, the act was amended authorizing REA to make loans to improve and extend telephone service in rural areas. In 1973 REA was given authority to make loans or guarantee loans to rural electric cooperatives or to non-REA lenders. The REA Administrator is appointed by the President, and is subject to Senate confirmation. The REA has been lending from a revolving fund in the U.S. Treasury, generally at 5-percent interest with interest at 2 percent for borrowers meeting specified criteria. The revolving fund is financed through collections on outstanding and future REA loans; through borrowings from the Secretary of Treasury; and through sales of beneficial ownership interests in borrowers' notes held in trust by REA.

The REA loan guarantees facilitate the obtaining of non-REA financing for large-scale electric and telephone facilities and loan guarantees are given concurrently with an REA loan, but in any event guaranteed loans are considered if it could have been made by REA under the act. Guaranteed loan may be obtained from any legally organized lending agency qualified to make, hold, and service the loan. All policies and procedures of REA are applicable to a guaranteed loan. In 1974 REA entered into an agreement with the Federal Financing Bank, whereby FFB agreed to purchase obligations guaranteed by REA. All these purchases are made by REA, the REA not acting as agent for the Federal Financing Bank.

There is a provision for supplemental financial assistance for existing electric plants under REA could be expanded for that purpose, and there is opportunity for new plants to be placed where there is no electric plant. Since there are loads of waste and garbage in urban areas and suburban areas, in some States REA need not be confined for this purpose to the farm wastes. The REA subsidy system seems ideal for such alcohol-producing plants. The output of the plant can also be sold to the same REA customers in each area, since it would be one of their own co-ops in those instances. I think that the population will feel a lot more secure if there are local plants producing alternate fuels using local materials, rather than to be dependent on far away sources.

If the farm areas are in a position to make the most of the alcohol alternative, mixing it with gasoline, et cetera, this will also be possible elsewhere. The alcohol program should go far to make gasoline rationing unnecessary in the United States, since the States which have the alcohol alternative due to REA will not need as much gasoline.

Alcohol mixtures are less polluting also, and in urban centers that might enable more use of coal while maintaining air quality. Any urban area that has substantial use of an alcohol mixture would need less limitation on the electrical utilities in the area. The biggest air polluter by far is the auto.

I prefer to see the primary responsibility for the alcohol program shifted to REA—Agriculture Department. REA can also be instrumental in furthering solar applications in rural areas.

TESTIMONY OF TOM MCCALL, FORMER GOVERNOR OF OREGON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for five minutes. Mr. AU Coin, Mr. Speaker, today before the Banking Subcommittee on the City, I had the honor of introducing the Honorable Tom McCall, Oregon's forward-looking Governor. It was a particular pleasure for me because the Governor was here to testify about a State policy that is the heart of the Oregon story—its progressive land use plans and guidelines.

It was during Tom McCall's term as Governor—and during my tenure in the State House of Representatives that the State legislature first adopted statewide land use policies designed to contain sprawl and to conserve farmland. More than anyone else in the State, Tom McColl is responsible for the adoption of those policies.

The purpose of the hearings, which continue tomorrow, is to explore how sprawl can be contained to minimize the need for huge new city growth. Without objection, I would like to have Gover-
nor McCall's statement printed in the Record and I commend it to the attention of my colleagues.

TESTIMONY OF TOM MCArLL OF PORTLAND, OR. (GOVERNOR OF OREGON, 1967-75)

Chairman Reuss and members of the subcommittee,

You couldn't be engaged in a more meaningful activity, as far as I am concerned, than the hearings you are conducting here today and tomorrow.

Nor would it have been possible to get a more moving and challenging picture of effective sprawl control than Oregon is able to speak from actual experience.

And I would like to bring out one additional point, an important one in this discussion, and that is that the state of Oregon has now completed its first statewide land use analysis by the National Land Conservation and Development Commission which every state is required to have done by the state guidelines which every state must adopt. It is widening brakes to it.

Another example, in Chairman Reuss's hearing outline was, "Can we afford the drain on prime agricultural land and the added consumption of energy caused by sprawl?"

A rhetorical question, obviously, perhaps calculated to stir up the troops, for America's farmland reserve is less than half the amount thought to be available only a few years ago and America is losing farmland five times more rapidly than we believed we were earlier in the 1970's.

Chairman asks, "Do containment policies boost costs of land and housing?"

The whole question of long-term urban growth boundaries in Oregon (UGB's are Oregon's line of containment) has been debated in our state urban strategy "for as long as I can remember.

No question, though, that it is key to the success of Oregon's land use program. The process involves classification of land in three categories:

1. URBAN: existing built-up areas.
2. URBAN: existing built-up areas—land used for projects developed in the next 20 years and which is eligible to be provided with services.
3. URBAN: existing built-up areas—land used for projects developed in the next 20 years, but not eligible to be provided with services.

URBAN: existing built-up areas—land used for projects developed in the next 20 years and which is eligible to be provided with services.

The trouble with talking about it this way to Oregonians is it is another example of a state agency that no Oregonian should be proud of.

That our policy was beyond ordinary perceptions when it was enacted—and the comprehension gap is not easily bridged by effective public service—by making land for development scarrier the process increases focused demand and drives up prices.

Oregon's experience scotches that conclusion. The reason why is that the Urban Growth Boundary (UGB) is in many ways the most powerful lever in our state urban strategy. This is confirmed in spades by the soon-to-be-published five-year study by the Oregon Urban Strategy Commission in the last five years. The nonprofit corporation provides attorneys at no cost to handle land issues of statewide importance. Its attorneys also work to ensure that local officials comply with state-wide goals covering everything from saving deer habitat to rescuing pressured small stream fisheries. Portland urbanism is only one of 100,000 square feet, the obvious answer is to reduce the lot size.

Finding that land to 7,000-square-foot minimum lot sizes, local officials have widely approached the Portland area by declaring that "the poor and minorities (might be) further disadvantaged by growth-management measures." Local officials and the associated goals work to keep costs down, but they regard housing construction as a local issue.

One Thousand Friends is so singular because it is the only public-interest law firm in the state. Their body, soul and bounden duty belong to the complete appropriate implementation of the Oregon Land and Urban Use Planning Act. They report that since the passage of the Oregon Urban Strategy Act in the early 1970's, the Land Conservation and Development Commission has left the program stronger than before.

That this maturing program is growing in effectiveness—and fame—is hardly beyond dispute when you consider.

1. Oregon legal scholars as the "most advanced" land use planning act in Oregon in operation anywhere in the U.S.;
2. Its drawing power beyond Oregon; and,
3. Oregon's answer to this problem speaks directly to Chairman Reuss's concern that "the poor and minorities (might be) further disadvantaged by growth-management measures." Oregon's answer to this problem is that it is the only public-interest law firm in the state.

One Thousand Friends has been responsible for nearly all the major land use efforts in Oregon, including the Oregon Urban Strategy Commission and the State Land Conservation and Development Commission in the last five years. The nonprofit corporation provides attorneys at no cost to handle land issues of statewide importance. Its attorneys also work to ensure that local officials comply with state-wide goals covering everything from saving deer habitat to rescuing pressured close-in urban area farmlands from the bulldozers.

9. "Without 1000 Friends' vigilance," says Henry Richmond, "Oregon's land use program may have been 'interpreted' quietly into oblivion."

(The story of the existence of 1000 Friends is quite literally the story of land use in Oregon. It is the key to the perennially controversial land use development system. The Commission's work is to report to you later.)

9. Moving on, what you, Mr. Chairman, really are concerned about is an activity that is having a direct impact on the land use plans that we adopt. This, of course, is a central issue in the discussion of the Portland metropolitan area's growth boundary, and I urge you to give it careful study.)

10. Oregon, a land use plan was recently adopted by Portland. The plan is a comprehensive plan that has met the state guidelines.

That leaves an uphill 227 to go before the 1981 deadline for securing compliance statewide.

Even so, Senate Bill 100 is taking hold everywhere farmland in Oregon is to be given a confident affirmative answer to Chairman Reuss's topic for Panel 1 of these four-panel hearings. The answer has been 'Tained. Yes, it has in Oregon—more effectively than in any other state.

You see, 42 states have farm-use taxation (as well as zoning or development value taxation), but it is relatively puny against sprawl except in Oregon alone where it is supposed to be combined with exclusion built-up areas. It's supposed to keep millions of acres at work in crop and livestock production.

And, in as many statewide measures done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signing done at the governor's signi...
The May 1978 HUD study I mentioned recommended that minimum standards be set to serve as guides for local governments to reform outdated housing and zoning policies. Setting such standards is precisely what Oregon—but no other state—has done.

This merges into another outline question, "Why, if Oregon's law is so good, are you seeking federal legislation?"

The answer I gave was that if only five or six states lead, then it's only a matter of time in our n o m a d i c s o c i e t y before the five or six are inundated by fugitives from all the other states that let their great freedom go.

I simply have assumed always that the job has to be done, and, to the degree one level fails to do it, then another level must take responsibility.

Now that we're in the top half of the tenth inning, I'm more than ever convinced that such a format has to become operative.

Now, I don't mean that this nation go to communism. It would cost trillions of dollars and put the government further into our lives. I mean that the only effective course is to pursue Oregon's legal approach—a balanced approach to land use which the state requires to localities, and that supports necessary development just as energetically as it prevents sprawl and protects farm and forest lands.

12. We of 1000 Friends are puzzled. As Henry Richmond stated it in The Oregonian, the other day, "In the face of the obvious problems caused by sprawl, what could cost trillions of dollars and put the government further into our lives. I mean that the only effective course is to pursue Oregon's legal approach—a balanced approach to land use which the state requires to localities, and that supports necessary development just as energetically as it prevents sprawl and protects farm and forest lands."

"Coupled with this inaction by legislative branch, the courts have ruled almost uniformly that local zoning policies (even those discriminating against the poor) cannot be challenged in court."

"Local officials all over the country have adopted the shortest, least costly, least long—" housing. Why, then, aren't local officials being thrown out of office? Because the home-buying public hasn't yet made the connection between local land-use policies and high housing prices."

In summary, then, a presidential candidacy or a congressional campaign plan the conservation of our most precious resources, our farmland. The candidate Urged, You're making another great effort, as be

is as important as that work of improving the transportation situation for agriculture.
The Agricultural Transportation Improvement and Regulatory Reform Act of 1979 is concerned with motor transportation, particularly with the transportation of agricultural commodities. The proposed amendments to the Interstate Commerce Act provide a logical approach to gradual deregulation of the trucking industry by further expansion of existing exemptions now provided in the act for agricultural transportation.

First, the bill deletes a subparagraph in section 10526(a)(3)(A) of the act to remove the present restrictions on farmer-owned trucking cooperatives, which provides that such cooperatives shall not conduct more than 15 percent of their annual business with nonmembers. The deletion of this restriction would leave farmer-owned trucking cooperatives under the same Federal laws as all other cooperatives, such as the Agricultural Marketing Act and the Capper-Volstead Act, both of which require regulated agricultural commodities may not conduct more than half of its annual business with nonmembers. The removal of the 15 percent restriction in the bill would enable agricultural carriers to reduce empty backhauls and make it easier for such cooperatives to arrange for backhaul movements.

Second, the bill expands the present agricultural commodity exemption in the act to include "uncooked meat" and bananas. Poultry meat has been exempt from ICC regulation for many years due to a long waiting list. Poultry meat, and bananas are about the only fresh fruit not now exempt.

Third, the bill expands the agricultural exemption to include the major farm inputs purchased by farmers and used in agricultural production. This would make it possible for the independent, unregulated truckers to return-haul these items that generally move in the direction of farm-produced commodities, and would greatly assist owner-operators in finding backhaul trucks.

Fourth, the bill provides that after an agricultural motor carrier has transported an unregulated agricultural commodity, he may, within a week, make a subsequent haul of any commodity at any rate satisfactory to a shipper and trucker. To participate in such traffic, however, an agricultural motor carrier would be required to file an annual notice with the Interstate Commerce Commission, and agree that no more than half of such carrier's annual tonnage would consist of regulated commodities; and make an annual report to the Commission for purposes of the restriction.

This section of the bill will make it possible for the independent owner-operators to find return hauls without having to resort to trial and error from brokers or certified carriers who normally retain at least 20 percent of the freight. Agricultural shippers believe they are not earning their fair share of the round trips because of the present ICC restrictions on return-hauls.

Mr. Speaker, some 55 percent of the total tonnage is already deregulated through the agricultural exemption. It is estimated that the provisions of this section of the bill, in effect, will achieve the present exemptions, will deregulate at least another 10 percent of the total tonnage. This can be accomplished in an orderly manner without any major disruption of the motor carrier industry.

Mr. Speaker, I insert the text of the bill in the Record:

H.R. 6087

"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 "Agricultural Transportation Improvement and Regulatory Reform Act of 1979."

SEC. 2. (a) Section 10102 of title 49, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) 'motor agricultural carrier' means a person providing motor vehicle transportation, other than--

(A) a motor carrier which holds a certificate, permit, or license issued under subchapter II of chapter 185 of this title, and

(B) a motor private carrier which is not a private carrier, a cooperative association (as defined in section 10512, 10513, or 10514 of this title), or federalization of cooperative associations if the federation has no greater power or purposes than the motor private carrier and such association, which association is recognized for 5 minutes.

(b) Section 10526(a)(5) of title 49, United States Code, is amended--

(1) in clause (1) by inserting "and" after the semicolon,

(2) by striking out clause (II), and

(3) by redesignating clause (III) as clause (II).

(c) Section 10526(a)(6) of title 49, United States Code, is amended--

(1) in subparagraph (A) by inserting "or the uncooked meat of ordinary livestock" before the semicolon,

(2) in subparagraph (C)--

(A) by striking out "bananas," and

(B) by striking out "and" the last place it appears therein, and

(3) by adding at the end thereof the following new subparagraph:

(E) for ordinary livestock or for poultry, agricultural or horticultural implements, or agricultural or horticultural machinery;

(F) seeds, plants, chemicals, soil conditioners, or petroleum products, for use in agricultural or horticultural production;

(G) parts, supplies, or accessories for agricultural or horticultural implements, for agricultural or horticultural machinery, or for another business in agricultural or horticultural production;

(d) Section 10526(a) of title 49, United States Code, is amended--

(1) in paragraph (8) by striking out "or"

(2) in paragraph (9) by striking out the period and inserting in lieu thereof "; or";

and

(3) by adding at the end thereof the following new paragraph:

"(10) transportation by a motor agricultural carrier if the transportation commences not later than 72 hours after the motor agricultural carrier transported property as provided in paragraph (6) and occurs from the place to which and to the place from which the property was so transported, except that--

(A) the total of the transportation in each fiscal year may not exceed 50 percent of the total transportation, measured by tonnage, by the motor agricultural carrier during that fiscal year; and

(B) the motor agricultural carrier shall, if the Commission so requires, notify the Commission in writing of its intent to provide the transportation."

Sec. 3. (a) The first section of section 11144(c) of title 49, United States Code, is amended to read as follows: "The Commission, or an employee designated by the Commission upon serving normal business hours, inspect and--

"(1) any record related to motor vehicle transportation of a cooperated vehicle, a federation of cooperative associations required to notify the Commission under section 11144 of that title, and

(2) any record related to the tonnage of property transported by a motor agricultural carrier required to notify the Commission under section 10526(a) of title 49, United States Code, is amended by striking out "or by a motor agricultural carrier" before the period.

Sec. 4. The amendments made by this Act shall be effective 90 days after the date of the enactment of this Act.

SECTION-BY-SECTION ANALYSIS

Sections 2(b). This subsection deletes from the Interstate Commerce Act the subsection which prohibits an agricultural co-operative from transporting more than 15 percent of its total transport tonnage for persons who are not members of such co-operative. This would make it possible for unregulated agricultural transportation cooperatives on the same basis as other agricultural cooperatives, which association is recognized for 5 minutes.

Sections 2(c)(1) and 2(c)(2). These subsections add uncooked meat and bananas to the list of exempt agricultural commodities presently contained in the Interstate Commerce Act. These amendments would eliminate some of the many ambiguities contained in the exempt agricultural commodities list, and provide better service at a lower cost for the transportation of meat and bananas.

Fruits and meat has been on the books for years due to court interpretation. Most fresh fruits and vegetables have always been exempt from ICC regulation.

Sections 2(c)(3). This subsection provides for the expansion of the list of agricultural commodities exempt from ICC regulation by adding major agricultural production input items, such as seeds, fertilizers, chemicals, fuels, farm tractors, implements and machinery parts, and accessories for such machinery and motor vehicles used in farming operations. This provision will not only permit motor carriers to transport such goods by motor carrier, but will permit noncertificated truckers to transport such goods on backhaul movements.

Sections 2(d). This subsection provides authority for nonregulated motor carriers to backhaul any commodity, subsequent to the movement of an exempt agricultural commodity no more than half of such carrier's annual tonnage transported may consist of ICC-regulated freight.

This subsection will provide much greater freedom for nonregulated agricultural or motor carriers, who now face the problem of arranging for backhauls to agricultural producers in the same areas usually used to lease arrangements with certified carriers.

Section 3. This section provides for reasonable enforcement procedures by the ICC and extends the definition of "motor private carrier" in the Act to include unregulated carrier as an exempt or cooperating motor transportation service.

Section 4. Provides that the effective date of the Act shall be 90 days after enactment.

POLYGRAPH CONTROL AND PRIVACY PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Edwards) is recognized for 5 minutes.
CONGRESSIONAL RECORD—HOUSE

December 11, 1979

Mr. EDWARDS of California. Mr. Speaker, the President, on April 2, 1979, transmitted to the Congress his message on privacy. I was pleased to introduce legislation that would implement the President's recommendation regarding polygraphs and other truth verification devices. That bill would not affect any segment of the intelligence community or any Federal, State, or municipal agency. This legislation, as introduced, provided the employment of such devices, as a condition of employment, continuing employment or promotion, any polygraph or similar tests on any employee. Experts place the number of examinations given each year at about 500,000.

The most fundamental question in this controversy is its effect on the individual's rights and privacy. Clearly, lie detector devices are not foolproof. Experts have demonstrated that individuals may be deceived by the examiners; that answers given cannot be objective; and that in many instances the applicants are being questioned on their personal affairs, and sexual behavior. Surely, Mr. President, Americans want a greater respect for their rights and privacy. The requirement that an individual submit to this privacy invasion and the results, as Business Week accurately points out:

... range from loss of privacy to loss of a job. Decline, and you could get fired from a job or turned down as an applicant.

The polygraph's psychological effect on applicants is best demonstrated by the fact that fully 90 percent of the respondents said they would not hire an applicant from information the person revealed during pre-test questioning; not what the polygraph or lie detector test tells the examiner. People attack one of our most precious legal tenets, innocent until proven guilty. Just as clearly, the use of lie detectors raises some very substantial constitutional considerations regarding the right to incrimination, unreasonable search and seizure, and the right to confront one's accusers. These rights are fundamental to basic human dignity.

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The most glaring abuse of polygraph examinations was exposed in testimony in 1978 before the Subcommittee on the Constitution of the Committee on the Judiciary, U.S. Senate, where a former manager of a retail chain testified that a preemployment polygraph test was used as a means of discriminating against black applicants for employment. The chain did not hire blacks and used the polygraph to "legitimize" this practice. While this is a blatant misuse of the polygraph, it is by no means an isolated case. Workers are frequently questioned on their personal affairs, and sexual behavior. Surely, Mr. Speaker, there exist many less intrusive and more reliable means of checking an applicant. The applicant has committed no crime, nor is he accused of a crime, but to secure employment should not rest on the ability to pass an "honesty test" regardless of its accuracy.

There are enough pieces of contradictory evidence to cast substantial doubt as to the accuracy of these devices, and as they are used in the employment sector today, they are obviously a threat to individual rights and a blatant invasion of employees' privacy.

The Subcommittee on Civil and Constitutional Rights will make a serious effort in the upcoming session to help resolve the troubling questions raised by these devices.

REMARKS OF THE HONORABLE CLAUDE PEPPER ON SALT II

The SPEAKER pro tempore. Under a previous order of the House, the gentle- man from Florida (Mr. Peppert) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, recent events around the world have demonstrat-
REPEALING INCREMENTAL PRICING PROVISIONS OF NATURAL GAS POLICY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. FREYER) is recognized for 6 minutes.

Mr. FREYER. Mr. Speaker, one important bill has recently been introduced by Mr. STOCKMAN and myself. That bill, which has been referred to the House Committees on Interstate and Foreign Commerce, is H.R. 5862.

In our view, the enactment of H.R. 5862 would make a major contribution toward the alleviation of our Nation's energy problems. It would do so by repealing the incremental pricing provisions of the Natural Gas Policy Act of 1978 (NGPA).

These incremental pricing provisions, which are embodied in title II of the NGPA, were enacted in an effort to protect residential energy consumers from the impact of rising natural gas prices at the wellhead. Under the incremental pricing method, the costs of purchasing numerous categories of relatively expensive natural gas are singled out for processing in a complex mechanism designed to allocate the money which an interstate pipeline pays for such gas—above certain specified "threshold" price levels, which vary from gas category to gas category and change from month to month—must be assigned to a special account. Then, when the interstate pipeline bills its customers, all of the costs assigned to this account must be added together to form a special incremental pricing surcharge.

Following this step, the surcharge is divided among the pipeline's distribution company customers—through a formula which takes the size of each distributor's industrial load into account. A gas distributor is then required to allocate the incremental pricing surcharge among certain industrial gas users which are served by that distributor.

However, the allocation of this surcharge cannot operate to bring an industrial user's monthly gas bill above parity with the cost of fuel oil. At the moment, under current Federal Energy Regulatory Commission (FERC) regulations, the average regional price of high-sulfur No. 6 fuel oil subject to a slight downward adjustment factor, is the standard for determining when price parity has been reached.

The range of industrial users which are subject to incremental pricing is designed to expand in two stages. Under the first rule (rule 1), only industrial boilers are subject to incremental pricing. This regulation is now in effect. By May 9 of 1980, the FERC must issue a second rule (rule 2) which covers other industrial users—and, at the same time, the FERC is required to narrow some of the exemptions which are now available. The FERC has recently proposed that rule 2 should extend incremental pricing to all industry users which are not specifically exempted.

The incremental pricing mechanism is indeed complex, but in theory it is designed to insure that residential and commercial gas users are sheltered from bearing the costs of relatively expensive categories of natural gas. Unfortunately, if incremental pricing is judged in light of the way in which the system is designed to serve, its retention cannot be justified. The evidence is mounting that incremental pricing is not merely ineffective—but actually counterproductive—in protecting consumers from the inflation of energy prices. The evidence is also mounting that incremental pricing is encouraging an increase in the Nation's dependence on oil, the reduction of oil consumption has become not merely a national priority but a national necessity.

Let me cite briefly some of the problems associated with incremental pricing:

First, as incremental pricing reduces and finally eliminates—the industrial market price gap between natural gas and oil, natural gas will lose much of its attractiveness to industrial energy users. As a result, many industrial users will shift from natural gas to oil contrary to national energy policy.

Second, although incremental pricing is intended to protect residential gas users from inflated energy prices, in practice it will actually result in higher costs for all consumers.

To cite one factor, the rationale for incremental pricing overlooks the impact of artificially increased industrial energy costs upon the price of goods produced by industry. Industrial users cannot escape these artificially increased energy costs if they priced shift to oil, their energy prices are tied to the whims of OPEC. If the same industrial energy users retain their reliance upon natural gas, their energy prices are still tied to the whims of OPEC—since incremental pricing indexes maximum industrial gas costs to whatever heights may be reached by fuel oil.

Obviously, these increased operating costs for industry will not simply disappear. They will be borne, in the form of higher product prices, by all consumers—not only those consumers who are theoretically protected by incremental pricing.

In this regard, it is contemplated that the passthrough of industrial gas price increases could be up to 50 percent or more—with even larger increases ahead as industrial gas prices follow the steep upward curve of fuel oil prices. Bear in mind as well that the hidden costs of incremental pricing will be borne by all consumers, including the oil and electricity consuming public. In the case of offsets, benefits that are provided for residential and commercial gas users.

A recent study by the Wharton Economic Forecasting Associates (WEFA) sheds some disturbing light upon the true cost of incremental pricing to the residential energy consumer. This study was performed under contract to the American Gas Association (AGA) but conducted under the independent auspices of WEFA. In its study, WEFA focused upon the different impacts of relatively narrow incremental pricing (limited to boilers) under rule 1 versus comprehensive incremental pricing (covering 90 percent of all industry) under rule 2.

The WEFA study found that rule 2 incremental pricing would result in smaller residential gas price increases when compared with rule 1. However, the study also found that this reduction in potential residential gas price increases would not be large enough to offset the additional costs faced by consumers for nonenergy goods. Those consumers who live on fixed incomes would be affected to the greatest extent by this adverse pay for the gas itself. Then the average household would face a loss...
of purchasing power. The study estimates that, by 1990, average household purchasing power would decline by $92—
in constant 1972 dollars. Households that do not consume natural gas would face an even larger decline, while households which use natural gas—the supposed "beneficiaries" of incremental pricing—would still suffer a net decline of $65.

Third, other adverse consequences of incremental pricing also merit careful consideration. As even the hardest supporters of incremental pricing will admit, incremental pricing is an enormously complicated mechanism. It imposes massive administrative burdens upon interstate pipelines, local gas distribution companies and industrial gas users; the costs of compliance with this mechanism along with the costs generated by increased industrial gas prices, will ultimately be borne by the Nation's consumers.

The impact of this artificially created cost burden will extend beyond the inflationary effects that I have mentioned. The negative impact will include further erosion of the already endangered ability of American industry to compete with foreign corporations. The negative impact will also include increased unemployment, since the additional dollars which industry must devote to energy costs will be paid with dollars—which in many cases—would have been devoted to capital investment and payrolls.

The WEFA study has estimated the size of this negative impact upon industry. In another comparison between narrow incremental pricing (under rule 1) and broad incremental pricing (under rule 2), the WEFA study concluded that broadly based incremental pricing will have the following effects:

The cumulative GNP deflator (that is, inflation) would be 5 percent higher in 1980 than it would be in the case under narrow based incremental pricing;

The real dollar GNP (in 1979 dollars) would be $22 billion lower; 600,000 fewer workers would be employed; and gross private investment would be $4.7 billion less (in 1979 dollars).

WEFA has not yet conducted a study comparing broad and narrow incremental pricing to no incremental pricing at all but such a study is in progress. Based upon both common sense and the economic analysis conducted to date, I can speculate that the results will not be supportive of incremental pricing retention.

In the meantime, Mr. Speaker, I urge prompt and favorable action upon H.R. 5862. Every day that we delay is a day decreasing dependence upon foreign oil.

Mr. WEAES (at the request of Mr. WRIGHT), after 4 p.m. today, through Friday, December 14, on account of illness in the family.

Mr. Young of Alaska (at the request of Mr. FRENZEL) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CLINGER) to revise and extend their remarks and include extraneous material):

Mr. Paul, for 15 minutes, today.
Mr. FRENZEL, for 5 minutes, today.
Mr. McKINNEY, for 5 minutes, today.
Mr. CORCORAN, for 5 minutes, today.

(The following Members (at the request of Mr. FANO) to revise and extend their remarks and include extraneous material):

Mr. GONZALEZ, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. LEVITAS, for 5 minutes, today.
Mr. O'NEAL, for 15 minutes, today.
Mr. CURTINS, for 5 minutes, today.
Mr. MARNOY, for 5 minutes, today.
Mr. ROGUES, for 5 minutes, today.
Mr. DASCHLE, for 5 minutes, today.
Mr. VAN DEELIN, for 5 minutes, today.
Mr. EDWARDS of California, for 5 minutes, today.
Mr. PEPPER, for 5 minutes, today.
Mr. MAVROULES, for 60 minutes, on December 18, 1979.
Mr. Arfrican, for 5 minutes, today.
Mr. FREYER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CLINGER) and to include extraneous material):

Mr. BROWN of Ohio.
Mr. COLLINS of Texas in three instances.
Mr. ROBINSON.
Mr. ROUSSELOT.
Mr. GEEN in two instances.
Mr. FRENZEL in five instances.
Mr. EVANS of Delaware.
Mr. CLAUSSEN.
Mr. WYDLER.
Mr. DANNEMEYER.
Mr. YOUNG of Florida.
Mr. DERWINIS in two instances.
Mr. ASHIBROOK in three instances.
Mr. LAGOMARSINO.
Mr. MONTGOMERY.
Mr. LEWIS.
Mr. FINDLEY in two instances.

(The following Members (at the request of Mr. FANO) and to include extraneous material):

Mr. HOWARD in two instances.
Mr. GUDGER.
Mr. COELHO in two instances.
Mr. MAZIOI.
Mr. Vargo.
Mr. HAMILTON.
Mr. MCDONALD.
Mr. MINETA.
Mr. WRIGHT.
Mr. HANCE.

Mr. SANTINI.
Mr. ETTEL.
Mr. DOBB in two instances.
Mr. BONNER.
Mr. DASCHLE.
Mr. PEASE.
Mr. LAFALCE.
Mr. MAGUIRE in two instances.
Mr. MARKET in two instances.
Mr. ROSENTHAL.
Mr. AMBRO.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2076. An act to require the President to terminate sanctions against Zimbabwe-Rhodesia under certain circumstances; to the Committee on Foreign Affairs.

A BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported the bill from the committee on December 10, 1979, present to the President, for his approval, a bill of the House of the following title:

H.R. 3892. To amend title 38, United States code, to extend the authorities of appropriations for certain grant programs and to revise certain provisions regarding such programs, to revise and clarify eligibility for certain health-care benefits, to revise certain provisions relating to the personnel system of the Department of Medicine and Surgery, and to assure that personnel ceilings are allocated to the Veterans Administration to employ the health-care staff for which funds are appropriated; to require the Veterans Administration to conduct an epidemiological study regarding veterans exposed to Agent Orange; and for other purposes.

ADJOURNMENT

Mr. FAZIO, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 12, 1979, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications, were taken from the Speaker's table and referred as follows:

1992. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of December 1, 1979, pursuant to section 1014(e) of Public Law 93-344 (H. R. 96-240); to the Committee on Appropriations and ordered to be printed.

1993. A letter from the Director, Defense Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain military equipment to Saudi Arabia (Transmittal No. 82-24), pursuant to section 813 of Public Law 94-106, as amended, to the Committee on Armed Services.

1994. A letter from the Executive Director, Presidential Commission on World Hunger, transmitting the commission's preliminary report on world hunger; to the Committee on Foreign Affairs.

pursuant to 6 U.S.C. 552a(a); (c) to the Committee on Interstate and Foreign Commerce.

1996. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General of NASA for the period ended September 30, 1979, pursuant to section 5(b) of Public Law 96-432; to the Committee on Commerce, Science, and Transportation.

1997. A letter from the General Counsel, Department of Energy, transmitting notice of a request to the International energy program to be held on December 18, 1979, in Paris, France; to the Committee on Interstate and Foreign Commerce.

1998. A letter from the Director, Office of Hearings and Appeals, Department of Energy, transmitting reports on private grievances and redress for the second, third and fourth quarters of fiscal year 1979, pursuant to section 2(b) of Public Law 93-275; to the Committee on Interstate and Foreign Commerce.

1999. A letter from the Secretary, Interstate Commerce Commission, transmitting a copy of the Board's letter appealing the section 304(b) (7) Committee on Ways and Means and ordered port on needed reforms of the social security port on the management of the process for printing and reference to the proper calendar, as follows:

By Mr. MURPHY of New York: Committee on conference. Conference report on S. 1143 (Rept. No. 96-687); Ordered to be printed.

By Mr. BROOKS: Committee on Government Operations. H.R. 5980. A bill to authorize a program of fiscal year 1980 emergency economic recessions and to authorize a program of targeted fiscal assistance, and for other purposes; with an amendment (Rept. No. 96-998). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the 96th Congress were introduced and severally referred, as follows:

By Mr. SANTINI (for himself, Mr. URRALL, Mr. SYMMES, Mr. RUNNELS, Mr. BURBANK of Alaska, Mr. MURPHY, and Mr. WHITTAKER): H.R. 6080. A bill to amend the Geothermal Steam Act of 1970 to accelerate the priority development of geothermal energy in the United States; to the Committee on Interior and Insular Affairs.

By Mr. ZABLOCHI (for himself, Mr. FARRA, Mr. BURGESS, Mrs. COLLINS of Illinois, Mr. SHEAHER of Pennsylvania, Mr. MARSHALL, Mr. RAMAZZINI, Mr. WHITTAKER, and Mr. DERWINSKI): H.R. 6081. A bill to amend the Foreign Assistance Act of 1961 to authorize assistance in support of peaceful and democratic processes of development in Central America; to the Committee on Foreign Affairs.

By Mr. JOHN L. BURTON: H.R. 6082. A bill to amend section 5702 of title 5, United States Code, to increase the maximum rates for per diem and actual subsistence expenses of Government employees on official travel; to the Committee on Government Operations.

By Mr. ALBOSTA: H.R. 6083. A bill to discontinue or amend certain requirements of agency reports to Congress; to the Committee on Government Operations.

By Mr. BOLAND (for himself, Mr. QUAYLE, Mr. Deaver, Mr. LYNCH, Mr. WOLFP and Mr. HUTTO): H.R. 6084. A bill to amend the National Security Act of 1947 to prohibit the unauthorized disclosure of information identifying certain U.S. intelligence officers, agents, informants, and sources; to the Permanent Select Committee on Intelligence.

By Mr. PHILIP M. CRANE: H.R. 6085. A bill to amend the Internal Revenue Code of 1954 with respect to the deduction of charitable contributions to organizations of which the donor is a member of his family receives services; to the Committee on Ways and Means.

By Mr. DANIELSON (for himself and Mr. MURPHY): H.R. 6086. A bill to provide for the settlement and payment of claims of civilian and military personnel of the United States for losses in connection with the evacuation of such persons from a foreign country; to the Committee on Interstate and Foreign Commerce.

By Mr. DASCHELLE: H.R. 6087. A bill to amend title 49, United States Code, to exclude from the definition of "reconciliation" sections for low-income elderly persons; to the Committee on Public Works and Transportation.

By Mr. FRENZEL (for himself, Mr. GIBSON, Mr. MOCAS, and Mr. G. TIER): H.R. 6088. A bill to prohibit until January 1, 1982, the conversion of the rates of duty on sugar and sugar products; to the Committee on Ways and Means.

By Mr. GRAMM: H.R. 6089. A bill to amend the Safe Drinking Water Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDGER: H.R. 6090. A bill to call for multi-agency cooperation in developing a plan for a Mountain Experience Center in Western North Carolina to serve as a model for similar information projects nationwide; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. HILLIS: H.R. 6091. A bill to amend the Internal Revenue Code of 1954 to authorize extension of the Act of the Armed Forces who are stationed overseas without their families a deduction for travel expenses back to the United States; to the Committee on Ways and Means.

By Mr. HOLLENBECK: H.R. 6092. A bill to amend the Internal Revenue Code of 1954 to allow certain elderly or disabled individuals a refundable income tax credit for a certain portion of their principal residence; to the Committee on Ways and Means.

By Mr. LUKEN (for himself and Mr. GRAMM): H.R. 6094. A bill to amend the Safe Drinking Water Act to provide that the underground injection of natural gas for purposes of storage will not be regulated by the act; to the Committee on Interstate and Foreign Commerce.

By Mr. MARLENEE: H.R. 6095. A bill to amend title II of the Social Security Act of 1972 to allow certain elderly or disabled individuals to receive social security benefits and are will continue to be exempt from all taxation; to the Committee on Ways and Means.

By Mr. MOTT: H.R. 6096. A bill to amend the Immigration and Nationality Act to make certain nonimmigrants aliens subject to deportation if convicted of a crime; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. BURTON (for himself): H.R. 6097. A bill to amend title 10, United States Code, to establish a nutritionally adequate, consumer-acceptable ration for the Armed Forces, to authorize the issuance and sale of rations, to prescribe special rations, and for other purposes; to the Committee on Armed Services.

H.R. 6098. A bill to amend title 10, United States Code, to authorize training of personnel of the armed forces of certain foreign countries; to the Committee on Armed Services.

By Mr. RODINO (by request): H.R. 6099. A bill to amend the Military Personnel and Civilian Employees' Claims Act of 1942, as amended, with respect to the settlement of claims against the United States by members of the uniformed services and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

By Mr. DUNCAN: Committee on Armed Services. S. 1454. An act to amend the Act of August 10, 1956, as amended; section 716 of title 31 United States Code; section 1006 of title 37, United States Code; and sections 8501(1) (B) and 8501(1) (C), United States Code: with amendments (Rept. No. 96-539, pt. 3). Referred to the Committee of the Whole House on the State of the Union.

MEMORIALS

Under clause 4 of rule XXII, a memorial of the Aural. to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions as follows:

H.R. 6104. A bill for the relief of George A. Albert; to the Committee on the Judiciary.

By Mr. NELSON:
H.R. 6105. A bill for the relief of Lee E. Gilbert; to the Committee on the Judiciary.

By Mr. STGERMAIN:
H.R. 6106. A bill for the relief of Mrs. Samuel (Edys) Markovitz; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5522: Mr. DERWINSKI, Mr. PEPPER, Mr. FLORIO, Mr. SANTINI, Mr. WEAVES, Mr. HUGHES, Mr. CHARLES H. WILSON of California.

H.R. 5406: Mr. ARNIN, Mr. R. ANDERSON of Illinois, Mr. BARNES, Mr. BEDELL, Mr. BHATT, Mr. BIANCO, Mr. BRUCANO, Mr. BYRON, Mr. CARE, Mr. COelho, Mr. CONYERS, Mr. CORRAO, Mr. DAN DANI, Mr. DASCHEL, Mr. DODG, Mr. FINKER, Mr. FORESTY, Mr. FRENZEL, Mr. GLECKMAN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. GRAY, Mr. GREHAM, Mr. GUESENI, Mr. HANSEN, Mr. HARNESS, Mr. HEPSTEL, Mr. HOLDER, Mr. HOLT, Mr. HUGHES, Mr. HYDER, Mr. JEFFERDS, Mr. KILDEE, Mr. KRAMER, Mr. LAFAACE, Mr. LAFOOMANS, Mr. LONG, Mr. MACLEAN, Mr. LANES, Mr. MACELLY, Mr. MCCAGE, Mr. MCKINLEY, Mr. MILLER of California.

H.R. 5715: Mr. BROWN of California.

H.R. 5717: Mr. BROWN, Mr. DAKAR, Mr. OTTINGER, Mr. PATetta, Mr. PATTEN, Mr. PEPPER, Mr. RARAH, Mr. REGULA, Mr. RICHMOND, Mr. ROBINSON, Mr. ROY, Mr. SCHEINBERG, Mr. SNOKE, Mr. SOLAP, Mr. STARK, Mr. STOCKMAN, Mr. TAUBE, Mr. WALCER, Mr. WHITE, Mr. FONE of Tennessee, Mr. WILLIAMS, Mr. WINTON, Mr. WYLER, Mr. YATON, Mr. YOUNG of Florida.

H.J. Res. 161: Mr. HUTO, Mr. CORACO, Mr. ROYAL, Mr. ROY, and Mr. SPARK.

H.J. Res. 307: Mr. GUTEE, Mr. WHITTEY, Mr. DAVIS of Texas, Mr. WHITE, Mr. FLOO, Mr. YOUNG of Alabama, and Mr. MURPHY of New York.

H. Con. Res. 98: Mr. BROWN, Mr. BEAD of Rhode Island.

H. Res. 440: Mr. ROSE.

PETITIONS, ETC.

Under clause 1 of rule XXII, the following petition and papers were presented and referred as follows:

H.R. 4825: Mr. STACK.
H.R. 4909: Mr. LEACH of Louisiana, Mr. WYATT, Mr. ROE, Mr. MONTGOMERY, Mr. DAVIS of South Carolina, and Mr. Corleho.
H.R. 4910: Mr. LEACH of Louisiana, Mr. BALDUS, Mr. KAREN, Mr. PEPPER, Mr. BUCHAN, Mr. HARRIS, and Mr. DAVIS of South Carolina.
H.R. 5010: Mr. ROUSSELOT, Mr. DOKMAN, Mr. BAFALAS, Mr. GRASSLEY, and Mr. ATKINS.

H.R. 5222: Mr. DERWINSKI, Mr. PEPPER, Mr. FLORIO, Mr. SOLANO, Mr. HURT, Mr. HUGHES, Mr. KRAMER, Mr. LLOYD, Mr. ZABLOC, Mr. CONTE, Mr. LUNGE, and Mr. GRASSLEY.

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H. Res. 440: Mr. ROSE.
ETENSIONS OF REMARKS

VETERANS PROGRAMS EXTENSION
AND IMPROVEMENT ACT

HON. THOMAS A. DASCHLE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 1979

Mr. DASCHLE. Mr. Speaker, I would like to address the following comments on the House floor and reenter passage of H.R. 3892, the Veterans Programs Extension and Improvement Act of 1979. I am pleased to support this legislation which addresses one of the more pressing medical and health care issues facing our veterans today. The conference report the House passed last week was an improvement of the Senate report. I believe the improvements were many of the better positions of each legislative body.

One of the more significant provisions in this legislation is one that assists our World War I veterans. These veterans have, for too long been ignored in their claim for more comprehensive health care coverage in the VA system. H.R. 3892 will now authorize outpatient care for any World War I veteran in need, similar to the same benefits accorded Spanish-American War veterans. Most importantly, this outpatient care can also be contracted out. This is a very important clause. Many of our World War I veterans are increasingly immobile and unable to obtain transportation to VA facilities. Now, in many cases, this outpatient care can be obtained in a private health facility right in their own community. This provision will especially benefit many of the World War I veterans in South Dakota where the population is relatively dispersed, often times many miles from the nearest VA facility.

I am also very satisfied that the conference adopted a provision requiring the Director of the Office of Management and Budget to comply with congressional intent with regard to appropriations for staffing levels. With strict oversight provided by the Comptroller General, future problems relating to funds appropriated by the Congress for staffing levels and OMB's interpretation of how these funds will be used should be eliminated.

The continuation of Federal/State matching grants to State veterans homes for construction or remodeling is a wise move that will enable those institutions to stay abreast of the increasing patient load most veterans hospital facilities are now facing. Considering the present backlog of $33 million in construction projects, this funding is urgently needed. A 15 percent per diem increase in paymens to State homes remains a cost-effective program that is also continued in this legislation.

The conferences have taken a step in the right direction by directing the VA to do an epidemiology study concerning the biological effects of agent orange exposure on our Vietnam veterans. Up to this point, very little concrete evidence is available. Hopefully, study can open up the mysteries of agent orange so the thousands of Vietnam veterans who may have been exposed in agent orange can rest assured that their Government is really trying to help and not brush them aside.

Finally, Mr. Speaker, I wish to congratulate the subcommittee chairman, Mr. Satterfield, for his work and efforts on this legislation and the other distinguished Members of the House and Senate who combined to make these significant medical and health care improvements.

NUCLEAR MORATORIUM

HON. BILL FRENZEL
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 1979

Mr. FRENZEL. Mr. Speaker, during the debate on the authorization for the NRC, Congressman Markey of Massachusetts presented an amendment in the form of a bill to require an epidemiology study concerning the biological effects of agent orange exposure on our Vietnam veterans. Up to this point, very little concrete evidence is available. Hopefully, study can open up the mysteries of agent orange so the thousands of Vietnam veterans who may have been exposed in agent orange can rest assured that their Government is really trying to help and not brush them aside.

Finally, Mr. Speaker, I wish to congratulate the subcommittee chairman, Mr. Satterfield, for his work and efforts on this legislation and the other distinguished Members of the House and Senate who combined to make these significant medical and health care improvements.

America cannot foreclose on the nuclear alternative. My home State of Minnesota relies on nuclear power for 35 percent of its electricity. Nuclear power must play a significant role in a broad based energy program. It is part of our defense against the policies of the oil cartel.

The Kemeny Commission in its report on the accident at Three Mile Island did not recommend abandoning nuclear power. The Markey amendment is only a symbolic gesture which is the first step in process aimed at stopping the development of nuclear power already is a de facto moratorium on the licensing of new plants imposed by the Nuclear Regulatory Commission. We do not need a blanket moratorium, but a more careful analysis of each application.

Safety, quite obviously, must be our first priority. The Markey amendment, however, does not make nuclear power any safer. Worse, it does not even address the issue of safety at existing plants.

The Kemeny Commission has presented its recommendations. Many of its proposals should be put into effect. Stronger and tougher guidelines are needed both for licensing new plants, and for regulating operating plants. The nuclear industry, however, has a history of safety as good as any other industry of the country. There is no lung disease, no acid rain, and no oil spills. It is, in fact, safer than any form of energy now widely used.

At some time the hazards of nuclear power may require a de facto moratorium. For the present, however, this country should proceed with nuclear development, but with great care.

THE RUSSIANS ARE COMING ON THE ENERGY FRONT

HON. JOHN W. WYDLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, December 11, 1979

Mr. WYDLER. Mr. Speaker, I recently received an interesting document from the Institute of Gas Technology which contains energy statistics for the various nations. There are two interesting aspects of these statistics which I thought should be brought to the attention of my colleagues. Both of these items touch on the comparative energy production capability of the United States and the Soviet Union.

First, U.S. oil and gas production has remained nearly level and, in the case of natural gas, U.S. production is still almost twice that of the U.S.S.R. and nearly 15 percent greater than all the European countries combined, including the United Kingdom contribution. The news is not as encouraging in the case of crude oil production where the U.S. production has dropped by roughly 5 percent since 1973 whereas the U.S.S.R. has increased production nearly 40 percent since 1973, that is, to 35 percent greater than U.S. production level now whereas in 1973 the U.S. actually produced 10 percent more crude oil than the U.S.S.R.

Second. In the electrical sector the U.S.S.R./U.S. comparison is also very interesting In the period 1973–76—no figures for 1971 and 1978 for U.S.S.R. the electrical production in the Soviet Union jumped by 22 percent; over the same period U.S. electrical production