

## HOUSE OF REPRESENTATIVES—Thursday, August 28, 1980

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We praise You, O God, for the ways You have shown Your love to humankind. From generation to generation Your word has been a light and a beacon to guide people in the way of faith and truth and life. Help us to remember Your mighty acts done for our deliverance and redemption and may we eagerly look to You as the Lord and giver of life. Bless our Nation with Your providence, and minister to the people with Your forgiveness. Grant to those who are burdened by any problem or concern the healing balm of Your presence. Be with us and remain with us always, we pray. 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 SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1781. An act to amend title 5, United States Code, to provide that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement, and for other purposes;

H.R. 7072. An act to amend sections 5702 and 5704 of title 5, United States Code, to increase the maximum rates for per diem and actual subsistence expenses and mileage allowances of Government employees on official travel, and for other purposes; and

H. Con. Res. 410. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2680.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to a bill of the House of the following title:

H.R. 1967. An act to modify the boundary of the White River National Forest in the State of Colorado.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5410. An act to amend title 5, United States Code, to require any Federal employee who elects at the time of retirement not to provide survivorship benefits for the employee's spouse to notify (or take all reason-

able steps to notify) the spouse of that election.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1391. An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, 1982, and 1983;

S. 1953. An act to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Louis L'Amour;

S. 2483. An act to amend title 28 of the United States Code to request the Chief Justice of the United States to give an annual address to the Congress on the state of the judiciary; and

S. 2566. An act to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

## SOCIAL SECURITY: THE REAL OPTIONS

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

Mr. CONABLE. Mr. Speaker, during this past week, I have described in a series of 1-minute speeches the dimensions and nature of our social security problems. These problems are real and serious, but we need not feel helpless if we are willing to look sensibly at the long-term options for stabilizing the system. Without getting into the details, these solutions fall into three main categories. They all involve some biting of the bullet. None are as painful in the long run, or as damaging to Government, as doing nothing. Some combination of these options should be considered, sooner rather than later.

First, we can suppress the growth of those benefits which are not strictly retirement related and thus are better financed from the General Treasury than by a payroll tax. Government cannot be all things to all people, and neither can an important part of the Government like the Social Security Administration. We all know there are welfare-related items currently included in social security benefits;

Second, a related option would adjust the payroll tax, giving a larger portion of it to social security and assigning such nonactuarial programs as medicare to the General Treasury. While this is no substitute for disciplining the future growth of benefits, it would take pressure off the most burdensome tax on labor we have and greatly improve the social security revenue balance; and

Third, we could give additional in-

centives for working beyond age 65, rather than forcing people to retire then by the economic penalties implicit in our present system. There are lots of ways of doing this other than raising the retirement age, and these incentives need not put additional demands on the system. They carry a big actuarial wallop, and seem appropriate to increasing longevity and a declining work force.

Mr. Speaker, we had better get at this important work. Old people and young people alike are losing confidence in this central element in our personal retirement plans, inflation is aggravating matters, and our responsibility as patternsetters is clear.

## LAMEDUCK CYNICISM

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

Mr. SHUSTER. Mr. Speaker, yesterday you banned poor little Donald Democrat, our symbolic rubber lame duck from the floor because you said he cast ridicule on this body. Mr. Speaker, I would respectfully suggest that a rubber lame duck, symbolizing Democrat plans for a lameduck session can neither add nor detract from the ridicule that the majority party heaps upon this House when it refuses to deal with the important issues facing America before the election because they care more about getting re-elected than about doing the job for which they were elected. The law requires that the Nation's budget be completed "not later than September 15 of each year" and by ignoring the law of the land, the majority party is giving the back of its hand to the American people. So if there is ridicule of this body, it is caused by the cynical, politics as usual, approach of the majority party. The majority leader paid a great compliment to the minority yesterday when he said that the minority was somehow responsible for the need for a lameduck session. If we have that kind of power with just one-third of the membership just think how effective we could be if we were the majority. If the majority cannot govern with a two-thirds majority it is time for a change.

## MORE PROMISES FROM THE PRESIDENT

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

Mr. MICHEL. Mr. Speaker, as I understand it, the President is going to announce, for the third or fourth time,

□ 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.

today, his master plan for the economic salvation of the country.

I cannot wait to see it.

The press has informed us that while the public is being left with the impression our economic woes are over, the Congress, which must enact the program, will not see it until after the elections.

This has been the hallmark of the Carter administration. Some politicians make promises and then do something else. President Carter makes promises and does nothing. Those words he spoke to the Urban League are still ringing in my ears. He promised, and I quote, "millions and millions and millions of people back to work in new \* \* \* exciting \* \* \* and stimulating jobs," which will "restore growth, reduce unemployment without re-igniting the fires of inflation." His words. Incredible words are deceitful words.

President Carter will reap a bountiful political harvest from this 3-week long media binge which started with the Urban League. He knows how to make promises. We do not yet know, however, if he knows how to keep them. He has never tried.

#### RESOLUTION OF INQUIRY CONCERNING PENTAGON LEAKS

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

Mr. COURTER. Mr. Speaker, today I will introduce a resolution of inquiry directing President Carter to provide the Congress with all pertinent information concerning the Pentagon leaks on the so-called stealth aircraft. Secretary of Defense Harold Brown claimed on August 22 in a news conference, at which he confirmed the existence of this new technology, that the press conference was necessary because of the leaks.

Yesterday in testimony before the House Armed Services Subcommittee on Investigations it became apparent that the administration may have orchestrated the leaks they are now using to justify the further dissemination of this information.

If these allegations are true and the Secretary of Defense and other high-ranking Pentagon officials are purposely releasing this information, it is a total outrage. I hope the resolution of inquiry will get to the bottom of this.

#### PENTAGON LEAKS OF INVISIBLE BOMBERS

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

Mr. BEARD of Tennessee. Mr. Speaker, for those of my colleagues who may not already be aware, the Investigations Subcommittee of the Armed Services Committee has begun its examination of what I think could prove to be a major political scandal.

You all know by now about those so-called invisible bombers that the Depart-

ment of Defense says they were forced to disclose because of some "unfortunate" leaks.

You also know that those leaks could not have come at a more opportune time for a President in the heat of a campaign who has treated our national defense as though it were a stepchild.

You should also know that yesterday's testimony given to a committee by Ben Schemmer indicates what I suspected all along. There is a definite possibility that the administration leaked the story and then called its own press conference to confirm the leaks.

I have asked that Secretary of Defense Harold Brown and several of his top aides be called to testify under oath next week to deny—if they can—their part in all of this—an irresponsible compromise of one of our most sensitive national defense secrets.

To play such a heavyhanded political game with this Nation's premier defense secrets is unthinkable. If this investigation leads to positive identification of the parties responsible for these leaks, I will demand criminal prosecution.

□ 1010

#### CONSIDERATION OF BUDGET

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

Mr. KRAMER. Mr. Speaker, yesterday, the House was in session 10¼ hours, and once again we failed to take up the budget. I would remind the leadership that it has now been 28 days since it indicated a lameduck session would be necessary this year. It is hard to imagine what legislation is so pressing as to delay consideration of the second budget resolution. Yet, we have seen no apparent attempt to rearrange the schedule to permit a vote on the budget prior to the election. Mr. Speaker, some of us have offered to work past the October 4 adjournment date, and right up to the election, if that is what it takes. The American people are paying us more than \$60,000 a year to make the tough decisions that are needed to get this country back on the right track. The 1981 budget represents the blueprint of what we intend to do about inflation, taxes, defense spending, and unemployment. Surely, the public has a right to know how we vote on the budget before, not after, election day. When we get back from the Labor Day recess, let us not waste any more time; let us get going on next year's budget.

#### AMERICAN FOREIGN POLICY ON SUMMER VACATION

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

Mr. SCHULZE. Mr. Speaker, tomorrow will be the 300th day of captivity for 52 Americans in Tehran. Primary season is over, and with it have gone the prayerful

litanies and strategically timed announcements of what used to be called "the hostage crisis." Are we to believe that the Carter administration thinks that this disgrace becomes less critical the longer it drags on?

Half the world depends on the strength of this Nation for its security. What are our allies to think as they watch us playing dead on Iran? Is American foreign policy on summer vacation?

Mr. Speaker, it only takes 295 days after the moment of conception for a child to be born. That is a miracle. I wonder how it can be that it takes more time for the United States of America to secure the release of 52 of its citizens from a small country in the midst of near civil war, and bring them back home where they belong.

#### NO NEED FOR A LAMEDUCK SESSION

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

Mr. LUNGREN. Mr. Speaker, I think that the debate over whether or not we will submit to a lameduck session this November demands something more than a consideration of whether or not it would be politically expedient. Let us consider whether or not it would be truly in keeping with the precepts of representative government.

When the issue was debated at length in 1932, in the context of the adoption of the 20th amendment to the Constitution, Representative Gifford of Massachusetts concluded, in pointed and very thoughtful terms, that such a lameduck session is patently undemocratic.

Almost a half century ago on this very floor, that man reasoned:

Looking into the matter from my own standpoint, I would prefer not to come back here and legislate after having been defeated, because I suppose that I would have to continue my former frame of mind and sometimes vote directly against the exact wishes of my constituents as expressed in the election of my opponent.

If the same dose of intellectual honesty were applied here as it was in 1932, there would be no question that for the sake of representative government we must disallow the prospect of a lameduck session.

#### VETO OVERRIDE SETS NEW RECORD

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

Mr. LAGOMARSINO. Mr. Speaker, it is my distinct privilege to announce that the House set a new record earlier this week, in conjunction with the President.

By voting 401 to 5 to override the President's veto of the VA Health Care Amendments of 1980, the House smashed a 72-year record for the least number of votes in support of a Presidential veto of a public bill. It was in 1908, according to the Library of Congress, that the House voted 204 to 5 to override President Teddy Roosevelt's veto of the Raney River Dam bill. Then as now, the

override came at the hands of a House in the control of the President's own party. Maybe that is why he later quit the party.

This is a record that has stood for some 2,000-odd vetoes. Congratulations, Mr. President.

#### LET US START WORK ON THE BUDGET NOW

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

Mr. ROYER. Mr. Speaker, the session is drawing rapidly to a close and this Congress has yet to begin work on a second concurrent budget resolution which, according to the Budget Act, is to be completed by September 15. I am appalled by our obvious delay. Our country is economically floundering but no policy exists which deals with our current problems. We need to debate fiscal and budget policies if we are ever going to make the long-term structural changes that need to be made. By putting off the budget debate we put off making the spending and tax decisions that have to be made to make the American economy healthy again. I am also appalled because it seems to me that this delay is occurring in order to avoid admitting that the fiscal year 1980 budget is now \$60 billion in deficit and the budget that we allegedly balanced for fiscal year 1981 is actually \$30 billion out of balance. We do not need a lameduck session—we need to begin work on the budget now. Let us take up the budget, make the hard budgetary choices and play it straight with the American people.

#### THE PRESIDENT'S UNUSUAL PROGRAM

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

Mr. FRENZEL. Mr. Speaker, today at 2 p.m. the President will announce his new economic package. He seems to make one several times a year.

Part of that message is said to include a large tax cut for 1981. If this is true, it appears that President Carter, having surrendered to Senator KENNEDY on big spending in the Democratic platform, is now surrendering to Governor Reagan on the subject of tax cuts.

We all well recall the President said Senator KENNEDY was very dangerous, and that the tax cut suggested by Governor Reagan was inflationary—maybe it is immoral and fattening, too. Somehow, Senator KENNEDY's spending programs became less dangerous and Governor Reagan's tax cut became less inflationary.

That is a very unusual kind of program, even in a very unusual election year.

Mr. RITTER. Mr. Speaker, I am pleased that a majority of the Members of this body has been sufficiently impressed by the events taking place in Poland that they have become cospon-

sors to my resolution calling for a peaceful conclusion to the conflict between the Polish workers and their Government, without external intervention.

I am also pleased to note there have been some compromises made by the Polish Government in negotiation with the strikers and that, in principle, many of the strikers' requests have been met. It seems as though the expansion of the strike will be curtailed for several days as the situation evolves further and as the nation's food needs are met.

Mr. Speaker, everyone should be pleased that this extraordinary situation has continued thus far without violence or force applied by the Polish Government or foreign intervention. It is evident thus far that the principles embodied in the Helsinki accords are possible to achieve and that problems can be resolved peacefully, with mutual benefit to all.

Mr. Speaker, we in this Congress who signed my resolution of nonintervention in Poland are watchful and will continue to review and take account of the events unfolding in Poland.

□ 1020

#### MR. CARTER AND MR. MUGABE

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

Mr. BAUMAN. Mr. Speaker, I am willing to withhold judgment on the government of the new African nation of Zimbabwe, but there has to be a line drawn somewhere. The comments made yesterday by President Carter about the leadership of this new nation are appalling to me.

This morning's Washington Post quotes President Carter, at an elaborately arranged ceremony last night in the White House, as saying that the principles and ideals expounded by Mugabe were "very similar, perhaps even identical" to those of this country.

Mr. Mugabe is a Communist, a self-professed Marxist, and has made no doubt about that, though in recent months he has toned down his claim to that title.

The President also quipped that he had asked Mugabe to come to the White House "to observe closely the techniques you have used in your successful political effort" as he himself gears for an uphill struggle in the forthcoming Presidential race.

Mr. Mugabe's tactics were the slaughter of innocent thousands of whites and blacks, including missionaries and the appointment to his Cabinet of his ally, Joshua Nkomo, a man who boasted that he shot down an unarmed civilian airliner, killing many people.

Any President of the United States ought to be very careful in what he says. If Jimmy Carter believes this trash, there is a serious question about his judgment or his fitness to serve in office.

#### WHO'S A COMMUNIST?

(Mr. JOHN L. BURTON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, I believe that if Thomas Jefferson, Thomas Paine, George Washington, and some of the others were alive today, there would be some gentlemen, not my good, intelligent friend from Maryland, but some other gentlemen who would call them Communists because they were revolutionaries at that time; because they believed in overthrowing governments by force and violence if the government did not represent them. And, I believe that any tactics that can help win an election, Ronald Reagan will use.

#### THE O'NEILL-DORNAN DEBATE

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

Mr. DORNAN. Mr. Speaker, you are my political hero, and I mean this sincerely because we are both right-handed Irish-Americans, and by blood I should be able to match your unabashed political partisanship and dedication. However you are on a plateau; whereas I am on the way up. So, let us talk turkey about the mysterious "stealth" bomber. You were the leader in this body killing for at least 4 years the magnificent B-1 bomber built in my district. It cost us over 8,000 jobs in my beach cities, most of them hard-working, middle-class, blue-collar Democrats. You must remember that large, white, sleek model of the B-1 "Peacemaker" that I placed here on the desk. You said it was "oh so beautiful," you will recall. Then, you shot it down.

It was 1978, George Washington's birthday. Remember that irony.

Well, Mr. Speaker, you told me yourself you were coming out to my district to campaign for "Gregory" Peck. You recall that I politely corrected you, that you meant "Carey," and you chuckled and smiled warmly when I said, "No, really, Mr. Speaker, you were right the first time. The draw is big Gregory." Remember?

Well, let us, you and me, have a formal debate in my great beach cities aerospace district. I will get you a town hall and an audience of a thousand people—I can guarantee that—a thousand folks for you and me to debate the B-1 bomber versus the so-called stealth bomber which comes to us either by courtesy of the tooth fairy or by a god awful deliberate breach of national security. A frightening leak, as Members on both sides of the aisle have forcefully pointed out this morning.

I look forward to your exciting September 12 district visit, Mr. Speaker, and I promise you I will even have some lovely ladies to greet you singing lustily from the hit Broadway show and film "Sweet Charity." "Hey, Big Spender."

The SPEAKER. The gentleman seems upset.

#### PERMITTING ENLISTMENT IN U.S. ARMED FORCES OF NORTHERN MARIANA ISLANDS CITIZENS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to take from the Speaker's

desk the bill (H.R. 4627) to permit citizens of the Northern Mariana Islands to enlist in the Armed Forces of the United States before becoming citizens of the United States upon the establishment of the Commonwealth of the Northern Mariana Islands, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, strike out all after line 2 over to and including line 6 on page 2 and insert: That notwithstanding the provisions of section 3253 and 8253 of title 10, United States Code, and in accordance with a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (approved on March 24, 1976, by Public Law 94-241), a citizen of the Northern Mariana Islands who indicates in writing to a commissioned officer of the Armed Forces of the United States of America an intent to become a citizen, and not a national, of the United States upon full implementation of such Covenant, and who is otherwise qualified for military service under applicable laws and regulations, may enlist in the Armed Forces of the United States of America.

Amend the title so as to read: "An Act to authorize the enlistment of citizens of the Northern Mariana Islands in the Armed Forces of the United States of America."

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

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

Mrs. HOLT. Mr. Speaker, reserving the right to object, and I shall not object, I would like to yield to the gentleman from Texas for an explanation.

Mr. WHITE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, H.R. 4627 would permit citizens of the Northern Mariana Islands to enlist in the Armed Forces prior to the time the Commonwealth of the Northern Mariana Islands is established and they have the option of becoming citizens.

The Senate amendment simply requires citizens of the Northern Mariana Islands who seek enlistment to declare their intention to become citizens of the United States at the time the trusteeship terminates.

Mrs. HOLT. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS

Mr. WHITE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5766) to amend title 10, United States Code, to authorize additional Reserve Officers' Training

Corps scholarships for the Army, to provide a certain number of such scholarships for cadets at military junior colleges, to authorize the Secretary of the Army to provide that cadets awarded such scholarships may serve their obligated period of service in the Army Reserve or Army National Guard of the United States, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments with House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause, and insert:

That (a) section 2107(a) of title 10, United States Code, relating to financial assistance for specially selected members of the Reserve Officers' Training Corps, is amended by striking out the period at the end of the first sentence and all of the second sentence and inserting in lieu thereof a comma and the following: "except that the age of any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 29 years of age on such date."

(b) Section 2107 of such title is further amended—

(1) by inserting "and" at the end of clause (4) of subsection (b);

(2) by striking out clauses (5) and (6) of subsection (b) and inserting in lieu thereof the following:

"(5) agree in writing that, at the discretion of the Secretary of the military department concerned, he will either—

"(A) (1) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that, if he is commissioned as a regular officer and his regular commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the reserve component of that armed force and not resign before that anniversary; and

"(ii) serve on active duty for four or more years; or

"(B) (1) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

"(ii) serve in a reserve component of that armed force until the eighth anniversary of the receipt of such appointment, unless otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as shall be prescribed by the Secretary of the military department, concerned

The performance of service under clause (5) (B) may include periods of active duty, active duty for training, and other service in an active or inactive status in the reserve component in which appointed."; and

(3) by striking out "6,500" the first place it appears in subsection (h) and inserting in lieu thereof "12,000".

(c) (1) Chapter 103 of such title, relating to Senior Reserve Officers' Training Corps, is amended by inserting after section 2107 the following new section:

"§ 2107a. Financial assistance program for specially selected members: military junior colleges

"(a) (1) The Secretary of the Army may appoint as a cadet in the Army Reserve or Army National Guard of the United States any eligible member of the program who is a student at a military junior college and who will be under 25 years of age on June 30 of the calendar year in which he is eligible

under this section for appointment as a second lieutenant in the Army, except that the age of any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 29 years of age on such date.

"(2) To be considered a military junior college for the purposes of this section, a school must be a civilian postsecondary educational institution essentially military in nature that does not confer baccalaureate degrees and that meets such other requirements as the Secretary of the Army may prescribe.

"(b) To be eligible for appointment as a cadet under this section, a member of the program must—

"(1) be a citizen of the United States;

"(2) be specially selected for the financial assistance program under this section under procedures prescribed by the Secretary of the Army;

"(3) enlist in a reserve component of the Army for the period prescribed by the Secretary of the Army;

"(4) contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the Army to serve for the period required by the program;

"(5) agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army Reserve or the Army National Guard of the United States; and

"(6) agree in writing that he will serve in such reserve component for not less than eight years.

Performance of duty under an agreement under this subsection shall be under such terms and conditions as the Secretary of the Army may prescribe and may include periods of active duty, active duty for training, and other service in an active or inactive status in the reserve component in which appointed.

"(c) The Secretary of the Army shall provide for the payment of all expenses of the Department of the Army in administering the financial assistance program under this section, including the cost of tuition, fees, books, and laboratory expenses which are incurred by members of the program appointed as cadets under this section while such members are students at a military junior college.

"(d) Upon satisfactorily completing the academic and military requirements of the program, a cadet may be appointed as a reserve officer in the Army in the grade of second lieutenant, even though he is under 21 years of age.

"(e) The date of rank of officers appointed under this section in May or June of any year is the date of graduation of cadets from the United States Military Academy in that year. The Secretary of the Army shall establish the date of rank of all other officers appointed under this section.

"(f) A cadet who does not complete the course of instruction, or who completes the course but declines to accept a commission when offered, may be ordered to active duty by the Secretary of the Army to serve in his enlisted grade for such period of time as the Secretary prescribes but not for more than four years.

"(g) In computing length of service for any purpose, an officer appointed under this section may not be credited with service as a cadet or with concurrent enlisted service.

"(h) (1) The Secretary of the Army shall appoint not less than 10 cadets under this section each year at each military junior college at which there are not less than 10 members of the program eligible under subsection (b) for such an appointment. At any military college at which in any year

there are fewer than 10 such members, the Secretary shall appoint each such member as a cadet under this section.

"(2) If the level of participation in the program at any military junior college meets criteria for such participation established by the Secretary of the Army by regulation, the Secretary shall appoint additional cadets under this section from among members of the program at such military junior college who are eligible under subsection (b) for such an appointment.

"(1) Cadets appointed under this section are in addition to the number appointed under section 2107 of this title."

(2) The table of sections at the beginning of chapter 103 of such title is amended by inserting after the item relating to section 2107 the following new item:

"2107a. Financial assistance program for specially selected members: military junior colleges."

(d) Section 2108(d) of such title, relating to advanced training after receiving a baccalaureate degree or completing preprofessional studies, is amended by striking out the second sentence and inserting in lieu thereof the following: "If a member of the program has been accepted for resident graduate or professional study, the Secretary of the military department concerned may delay the commencement of that member's obligated period of active duty, and any obligated period of active duty for training or other service in an active or inactive status in a reserve component, until the member has completed that study. If a cadet appointed under section 2107a of this title has been accepted for a course of study at an accredited civilian educational institution authorized to grant baccalaureate degrees, the Secretary of the Army may delay the beginning of that member's obligated period of service in a reserve component until the member has completed such course of study."

(e) The amendments made by this section shall take effect on October 1, 1980.

SEC. 2. (a) Chapter 101 of title 10, United States Code, relating to training, is amended by adding at the end of such chapter the following new section:

"§ 2005. Advanced education assistance: active duty agreement; reimbursement requirements

"(a) The Secretary of an armed force may require, as a condition to the Secretary providing advanced education assistance to any person, that such person enter into a written agreement with the Secretary concerned under the terms of which such person shall agree—

"(1) to complete the educational requirements specified in the agreement and to serve on active duty for a period specified in the agreement;

"(2) that if such person fails to complete the education requirements specified in the agreement, such person will serve on active duty for a period specified in the agreement,

"(3) that if such person, voluntarily or because of misconduct, fails to complete the period of active duty specified in the agreement, such person will reimburse the United States in an amount that bears the same ratio to the total cost of advanced education provided such person as the unserved portion of active duty bears to the total period of active duty such person agreed to serve; and

"(4) to such other terms and conditions as the Secretary concerned may prescribe to protect the interest of the United States.

"(b) The Secretary concerned shall determine the period of active duty to be served by any person for advanced education assistance to be provided such person by an armed force, except that if the period of active duty required to be served is specified under

another provision of law with respect to the advanced education assistance to be provided, the period specified in the agreement referred to in subsection (a) shall be the same as the period specified in such other provision of law.

"(c) Subject to the provisions of subsection (d) of this section, the obligation to reimburse the United States under an agreement described in subsection (a) of this section is, for all purposes a debt owing the United States.

"(d) A discharge in bankruptcy under title 11 shall not release a person from an obligation to reimburse the United States required under the terms of an agreement described in subsection (a) of this section if the final decree of the discharge in bankruptcy was issued within a period of five years after the last day of a period which such person had agreed to serve on active duty. This subsection applies to a discharge in bankruptcy in any proceeding which begins after September 30, 1978.

"(e) In this section—

"(1) 'Advanced education' means education or training above the secondary school level but does not include technical training provided to a member of the armed forces to qualify such member to perform a specified military function, to workshops, or to short-term training programs.

"(2) 'Assistance' means the direct provision of any course of advanced education by an armed force, reimbursement by an armed force for any course of advanced education provided by another department or agency of the Federal Government, or the payment, in whole or in part, by an armed force for any course of advanced education provided by any public or private educational institution or other entity.

"(3) 'Cost of advanced education' means those costs which are, under regulations prescribed by the Secretary concerned, directly attributable to the education of the person to whom a course of advanced education is provided, including the cost of tuition and other fees (or, if none is charged, an amount determined by the Secretary concerned to be a reasonable charge for the education provided), the cost of books, supplies, transportation, and miscellaneous expenses, and the cost of room and board, but such term does not include pay or allowances under title 37 or a stipend under section 2121 of this title."

(b) The table of sections at the beginning of chapter 101 of such title is amended by adding at the end thereof the following new item:

"2005. Advanced education assistance: active duty agreement; reimbursement requirements."

SEC. 3. Effective only for the period beginning October 1, 1980, and ending September 30, 1981, section 7572(b) of title 10, United States Code, relating to accommodations in place of quarters for members on sea duty, is amended to read as follows:

"(b) Under such regulations as the Secretary prescribes, any member of the uniformed services on sea duty who is deprived of quarters on board ship because of repairs or because of other conditions that make the member's quarters uninhabitable, may be reimbursed for expenses incurred in obtaining quarters, in an amount not more than the basic allowance for quarters of a member of the same grade without dependents, if it is impracticable to furnish accommodations under subsection (a). A member entitled to receipt of basic allowance for quarters may not be reimbursed for expenses under this subsection when deprived of quarters aboard ship at a location at which the member can reside with such member's dependents. The total amount of such re-

imbursements for fiscal year 1981 may not exceed \$9,000,000."

SEC. 4. Section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), relating to the applicability of certain laws to the National Oceanic and Atmospheric Administration, is amended by adding at the end thereof the following new paragraph:

"(13) Section 7572(b), Quarters: accommodations in place of for members on sea duty."

SEC. 5. (a) Sections 3686(2) and 8686(2) of title 10, United States Code, relating to service credit for service as members of the Army and Air Force National Guard, are each amended by striking out "sections 316 and 503-505 of title 32" and inserting in lieu thereof "sections 316 and 502 through 505 of title 32".

(b) The amendments made by subsection (a) shall apply with respect to full-time training or other full-time duty performed under section 502 of title 32, United States Code, on and after the date of the enactment of this Act.

SEC. 6. The second sentence of section 672(a) of title 10, United States Code, relating to authority to order members of the Standby Reserve to active duty, is amended to read as follows: "However a member on an inactive status list or in a retired status may not be ordered to active duty under this subsection unless the Secretary concerned, with the approval of the Secretary of Defense in the case of the Secretary of a military department, determines that there are not enough qualified Reserves in an active status or in the inactive National Guard in the required category who are readily available."

SEC. 7. (a) Section 4818 of the Revised Statutes of the United States (24 U.S.C. 44), relating to funds for the support of the Soldiers' and Airmen's Home, is amended by inserting "or under authority of section 815 of title 10, United States Code" after "court-martial".

(b) The amendment made by subsection (a) shall become effective on October 1, 1981.

Amend the title so as to read: "An Act to authorize additional Reserve Officers' Training Corps scholarships for the Army, to authorize the Secretary of the Army to provide that cadets awarded such scholarships may serve their obligated period of service in the Army Reserve or Army National Guard of the United States, to authorize the Secretary of an armed force to require an individual furnished post-secondary education by an armed force to reimburse the United States for the cost of such education in the event such individual fails to comply with such individual's active duty obligation, to provide that certain full-time training duty of members of the National Guard shall be considered as active duty for training in Federal service for certain purposes, and for other purposes."

The Clerk read the House amendments to the Senate amendments, as follows:

Page 8, line 3, strike out "Secretary of an armed force" and insert in lieu thereof "Secretary concerned".

Page 10, lines 6, 7, and 10, strike out "an armed force" and insert in lieu thereof "the Secretary concerned".

Page 10, line 12, strike out the period and insert in lieu thereof ", but such term does not include the payment for any course of advanced education which is paid for under chapter 106 or 107 of this title."

Page 12, line 4, strike out "(13)" and insert in lieu thereof "(14)".

In lieu of the Senate amendment to the title of the bill, amend the title so as to read: "An Act to authorize additional Reserve Officers' Training Corps scholarships

for the Army, to authorize the Secretary of the Army to provide that cadets awarded such scholarships may serve their obligated period of service in the Army Reserve or Army National Guard of the United States, to authorize the Secretary concerned to require an individual furnished post-secondary education by an Armed Force to reimburse the United States for the cost of such education in the event such individual fails to comply with such individual's active-duty obligation, to provide that certain full-time training duty of members of the National Guard shall be considered as active duty for training in Federal service for certain purposes, and for other purposes."

Mr. WHITE (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the amendments be dispensed with, and that they be printed in the RECORD.

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

Mrs. HOLT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas for an explanation.

Mr. WHITE. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, H.R. 5766 deals with providing additional scholarships to the Army Reserve Officers' Training Corps (ROTC) program and providing scholarships to military junior colleges.

The Senate amended the House bill by increasing the age limit for eligibility for ROTC scholarships and providing a system for reimbursing the Government for such scholarships if an individual does not complete the program.

The Senate also attached four additional provisions to H.R. 5766. The first is an administration proposal to provide quarters allowances to Navy personnel on sea duty whose ship is in overhaul when no other quarters are available. The second provision would permit all fines imposed as a result of nonjudicial forfeitures under the Uniform Code of Military Justice to be applied to the support of the Soldiers' and Airmen's Home. The House passed a similar provision in the 94th Congress.

The final two provisions added by the Senate relate to crediting certain full-time training duty for members of the National Guard as active duty for training in the Federal service and deleting the requirement that the Director of Selective Service screen members of the Standby Reserve before they can be called to active duty. Mr. Speaker, both of these provisions have been passed by the House as separate pieces of legislation.

The House amendments are technical in nature.

I thank the gentlelady for yielding.

□ 1030

Mrs. HOLT. Mr. Speaker, I thank the gentleman from Texas (Mr. WHITE), and I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### CONFERENCE REPORT ON S. 390, ANTITRUST PROCEDURAL IMPROVEMENTS ACT OF 1980

Mr. MAZZOLI. Mr. Speaker, I call up the conference report on the Senate bill (S. 390) to expedite and reduce the cost of antitrust litigation, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 20, 1980.)

The SPEAKER. The gentleman from Kentucky (Mr. MAZZOLI) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. McCLORY) will be recognized for 30 minutes.

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

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

Mr. Speaker, S. 390, the Antitrust Procedural Improvements Act of 1980, is a bill to expedite and reduce the cost of antitrust litigation.

S. 390 is the product of recommendations made by the President's National Commission for the Review of Antitrust Laws and Procedures.

S. 390 was the subject of careful study by the Committee on the Judiciary and its Subcommittee on Monopolies and Commercial Law.

The Monopolies Subcommittee held 3 days of hearings on the legislation, receiving favorable testimony from the administration, judges, academics, members of the private bar, business, and industry.

The subcommittee and the committee amended the legislation reflecting recommendations of several witnesses to strike a better balance between the need to expedite and reduce the cost of complex antitrust litigation, and the need to fully protect the rights of the litigants.

The first provision of S. 390 amends the Antitrust Civil Process Act with respect to the application of civil investigative demands (CID's). This provision clarifies the authority of the Department of Justice's Antitrust Division to use CID's to obtain the summaries, analyses or other studies compiled from documents and materials produced in response to discovery orders issued in connection with another legal action.

The CID amendments provide adequate protections for the parties in the initial litigation, including extending the confidentiality protection of the act to the party from whom the discovered documents were originally obtained. Moreover, since both parties in the other action are formal recipients of a CID, each may seek a protective order against the Government to prevent its making a subsequent disclosure of this information to others.

The CID amendments will promote the efficient use of public resources by eliminating the need for costly and time-consuming discovery efforts by the Antitrust

Division that duplicate discovery procedures already completed by a litigant.

The House and Senate versions of this provision were substantially identical. The lone significant disagreement centered on the definition of the term "product of discovery." The Senate bill said the discovery had to have taken place "in any litigation," whereas the House bill said "in any judicial or administrative litigation."

In an effort to clarify this language the managers agreed to the substitute language "in any judicial litigation or any administrative litigation of an adversarial nature."

The managers intend that the term "any administrative litigation of an adversarial nature" should apply only to those administrative proceedings that are adversarial in nature and format, and in which the agency or other party obtained the product of discovery by agency or civil discovery process that allowed the discovered party to raise objections and be heard on such objections.

It is not the House managers' intention that this term include rulemaking or licensing proceedings unless the parties against whom discovery orders issued were accorded formal procedural safeguards, such as the right to object and be heard on the objection.

Thus, "administrative litigation of an adversarial nature" does not cover information gathering programs or purely investigatory proceedings in which information is obtained by the United States or any governmental agency pursuant to laws of regulations providing for the filing of forms or reports.

The second provision pertains to sanctions against attorneys for dilatoriness and delay in connection with antitrust litigation.

The House took no position on the issue, while the Senate amended the existing law, 28 U.S.C. 1927 to charge excess costs, expenses and attorney fees to an attorney who intentionally engaged in conduct primarily for the purpose of delaying the litigation. Current law requires the attorney conduct, if sanctionable, to be solely for the purpose of delay and sanctions include only costs.

The managers of both Houses agreed that attorney sanctions complemented the other parts of S. 390 and helped provide a comprehensive approach to deterring unnecessary delays in antitrust litigation.

The managers on the part of the House were firm in their resolve to maintain the tough standard of current law so that the legislation in no way would dampen the legitimate zeal of an attorney in representing his client.

Under the agreement of managers, an attorney may be required to pay costs, as well as expenses and attorney's fees reasonably incurred on account of such attorney's dilatory conduct. But, the standard is that in current law, not the less-severe standard the Senate had agreed to originally.

The managers on the part of both the House and the Senate strongly agreed that judges who utilize section 1927 sanctions must make every effort to

safeguard the rights of an attorney who may be held in violation of that section. In so doing, it is imperative that the court afford the attorney all appropriate protections of due process available under the law.

The third provision is prejudgment interest, a mechanism which provides a significant disincentive for parties to engage in litigation tactics which unduly delay the disposition of antitrust litigation.

This legislation amends sections 4, 4A, and 4C of the Clayton Act to authorize the award of prejudgment interest, under certain circumstances.

A court may award simple interest on a successful claimant's actual damages computed from the date of service of the complaint, setting forth the antitrust claim, to the date judgment is entered or any shorter period included therein.

The court can award prejudgment interest only if it makes a finding that the award is just under the circumstances.

In determining what is just under the circumstances the court must consider whether the parties to the litigation: Acted intentionally or in bad faith to delay the proceedings; or, whether either party violated any applicable rule, statute, or court order providing for sanctions for dilatory behavior; or, whether either party engaged in conduct primarily for the purpose of delaying or increasing the cost of the litigation.

In single damage actions brought by the United States—Clayton Act, section 4A—the court may also consider whether a prejudgment interest award would be necessary to adequately compensate the United States for the injury it sustained by reason of the antitrust violation.

The courts are limited to only these factors in determining whether to award prejudgment interest.

This provision of the Antitrust Procedural Improvements Act is prospective. Here the managers on the part of the Senate acceded to the House position.

The fourth issue is that of collateral estoppel.

S. 390 amends section 5(A) of the Clayton Act, which grants prima facie effect in subsequent civil proceedings to judgments obtained by the United States under the antitrust laws, by providing that the express use of "prima facie" in section 5(A) shall not be construed to preclude the application of the common law doctrine of conclusive collateral estoppel.

S. 390 does not create a special rule for antitrust law. Rather, this clarifying amendment to the antitrust laws will allow the courts to apply the equitable doctrine of collateral estoppel, just as it does in all other litigation, to eliminate the wasteful retrying of an issue and to reduce the cost of complex antitrust litigation to the courts and the parties.

During the Judiciary Committee's consideration of this legislation, there was concern over the breadth of the coverage of the collateral estoppel provision.

While there was little opposition to the application of collateral estoppel to judgments rendered by a court, there was concern over granting collateral

estoppel effect to administrative and other agency findings which could give rise to claims for relief under the antitrust laws. This use of collateral estoppel was prohibited in the House version of S. 390.

The managers on the part of the House indicated during the conference that the primary concern of the House lay with the Federal Trade Commission and pointed out that Senate language could be construed to permit the application of collateral estoppel to FTC administrative findings.

Accordingly, the managers of both Houses agreed to the House provision on administrative findings, but limited its scope to the Federal Trade Commission acting under the antitrust laws or under section 5 of the FTC act.

The managers then agreed to a Senate provision which allows Government judgments to be given prima facie effect where they, for some reason, are denied full collateral estoppel effect.

This provision is prospective. As such, S. 390 does not affect pending private suits. It leaves existing law as it is. The collateral estoppel effect, if any, of Government judgments obtained prior to enactment of this act is to be determined according to the principles of law prior to enactment.

The fifth issue before the conference pertained to the amendments to section 7 of the Clayton Act which permits the Department of Justice and private parties to challenge anticompetitive mergers involving business entities or persons engaged in any activity in interstate commerce.

The Senate bill retained current law—the House bill amended current law to cover mergers "affecting" interstate commerce not just those of entities "in" interstate commerce.

Many of the witnesses, including the American Bar Association, who appeared before the Subcommittee on Monopolies and Commercial Law favored the "affecting" commerce amendment. In light of that strong support, especially that of the ABA, the managers agreed to adopt the House language.

Ladies and gentlemen, we can all agree that antitrust litigation tends to be very complex, yet complexity should not be an excuse for unnecessary delays and wasteful expenditures of time, effort and money.

S. 390 endeavors to provide significant disincentives for delay and eliminate unnecessary and duplicative work by private litigants, the Government and their attorneys. The bill is based on the recommendations of the President's National Commission for the Review of Antitrust Laws and Procedures. S. 390 accurately reflects a careful balance protecting the interests of both private litigants and the Government.

The Antitrust Procedural Improvements Act of 1980 has the support of representatives of the private and public sector, including the Department of Justice, the ABA and the Chamber of Commerce. On August 18, 1980, the Senate considered and unanimously passed the conference report on S. 390.

I urge my colleagues to support the conference report and pass S. 390.

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

Mr. Speaker, first of all, I want to commend the members of the conference committee, particularly the House Members, who sustained the House position on virtually every issue. As a matter of fact, on this conference the House won.

S. 390 contains six different antitrust bills, five of which have been acted on by the House. With respect to those five, the House version prevailed on virtually every significant issue. With respect to the sixth bill, the other body came more than half way in fashioning a compromise. And as a result of our successful efforts, former opponents of the legislation, such as the Chamber of Commerce and the National Association of Manufacturers, have withdrawn their opposition.

This legislation is largely the result of recommendations made by the National Commission for the Review of Antitrust Laws and Procedures, on which I was privileged to serve. This legislation, happily, should quiet those skeptics who feel that National Commissions only produce reports but never results.

The Members will recall that the House bills contained in the present package make clear the authority of the Justice Department to issue CID's for products of discovery and grant the Department authority to hire consultants to review CID materials. The bills also authorize the award of prejudgment interest in certain circumstances, extend the jurisdiction of section 7 of the Clayton Act to conform with that of the Sherman Act, and make clear that the prima facie evidence provision in section 5(a) of the Clayton Act will not preclude the application of collateral estoppel where appropriate. The sixth provision enacted by the Senate, but not considered in this body, amends current statutory law—section 1927 of title 28—regarding sanctions for attorney delay. Unlike the other five provisions, this provision is not limited to antitrust matters.

The most controversial issue committed to conference concerned the basis for awarding prejudgment interest. The House approach was to view such awards as a penalty for, and a disincentive to, dilatory conduct. The Senate approach was broader. It viewed such awards as compensating plaintiffs for the loss of the use of the money the plaintiff would have had absent the violation. This is a distinction with a difference. For I would assume that whereas prejudgment interest awards would have been the rule under the Senate version, they will be the exception under the House version, which was the version agreed to in conference.

Sharing the spotlight as a major issue in conference was the issue of collateral estoppel. While both bodies had agreed that the doctrine of collateral estoppel should be permitted application notwithstanding the prima facie evidence provision of current law, the House version imposed two conditions on the statutory authorization for collateral estoppel: First, that the effect of the amendment

be prospective only and, second, that the courts not give collateral estoppel effect to findings of the Federal Trade Commission in antitrust-related matters. In conference, the first House condition was accepted without change and the second condition was accepted with only minor language changes and no change in substance. It may appear to some that since the conferees deleted a provision excepting collateral estoppel application from administrative findings under the antitrust laws, the House made a serious concession. Not so.

The only administrative agency that makes findings under the antitrust laws is the Federal Trade Commission. While other agencies apply the principles of competition in performing their function, they do so under their own mandate and not under "the antitrust laws" as such, which is a narrowly defined term embracing only the Sherman and Clayton Acts. Since the Federal Trade Commission is expressly included under the prohibition in the bill, the change made in conference may look like a compromise of substance whereas, in fact, the House position was fully vindicated.

The issue that gave the House conferees the most difficulty was the Senate provision imposing personal liability on counsel who delay litigation. Since the House had not acted on this issue, the conferees were required to use their own judgment. In my opinion, our compromise is a good one.

The House conferees were unable to accept the Senate provision, as passed, for several reasons. First, it would have lowered the standard of dilatory conduct necessary to make out a violation and would have done so to such an extent that, in our opinion, the legitimate zeal of attorneys representing their clients would have been chilled. Second, it would have precluded the imposition of sanctions on attorneys—even those who violate the current provision—before the conclusion of the trial. Since some cases may take years to reach that stage—and many never do, the deterrent effect of the provision would have been largely nullified. Third, it would have absolved attorneys from all misconduct occurring before the receipt of a warning from the court. This would have, somewhat ironically, licensed the reprehensible conduct we are seeking to deter.

Our compromise, fortunately, contains none of these defects. Instead, we chose not to alter the standard of conduct required by present law. What we did change was the extent of liability to be imposed on attorneys who engage in clearly dilatory tactics. Our view is that when an attorney engages in delay for the sake of delay in order to wear down the opposition, such conduct is not only unethical but, in effect, tortuous. It thus should subject the attorney to personal liability. The extent of this liability cannot, in justice, be limited merely to filing fees and other nominal court costs as it is today. But it should extend to out-of-pocket costs that the opposition had to incur for legal fees and witness expenses because of the attorney's misconduct. This is what our compromise does—this

is all it does, and I believe that it should be accepted by this body.

Mr. Speaker, as a result of our efforts, we have fashioned antitrust legislation that both serves the public interest and enjoys broad support from all sides of the issues. I urge adoption of the report.

□ 1040

Mr. Speaker, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield myself 1 minute simply to commend my colleague on the committee, the gentleman from Illinois (Mr. McCLOY), for his hard work and cooperation on this bill.

I would also like to commend staff on both sides of the aisle for their excellent work in the preparation of the materials needed by the Members in the course of the consideration of this legislation at subcommittee, full committee, on the floor and for the conference committee. We were well briefed and well prepared. I think the gentleman will agree that we were substantially aided in carrying the House position by the excellent work of our staff. I would like to commend them publicly.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### EDUCATION AMENDMENTS OF 1980

Mr. FORD of Michigan. Mr. Speaker, I call up the conference report on the bill (H.R. 5192) to amend and extend the Higher Education Act of 1965, and for other purposes.

The SPEAKER pro tempore (Mr. DAN DANIEL). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 25, 1980.)

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

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

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

Mr. Speaker, the conference report on reauthorization of the Higher Education Act which we now bring before the House, in my opinion, reflects the finest spirit of accommodation, conciliation and a true bipartisan cooperation among the Members of this body and between the Members of this body and the other body in putting together the conference report that we bring to you.

Mr. Speaker, I would like particularly to express my appreciation to the gentleman from Alabama (Mr. BUCHANAN), the ranking minority member on our committee, for his very hard work and for the amount of time that he has spent working with me, as chairman, in close

and full partnership in the development of this legislation, as well as in shepherding it through the committee, the House and the conference committee.

Also, Mr. Speaker, I would like to extend a special thanks to the chairman of our full Committee on Education and Labor, Mr. CARL PERKINS of Kentucky, who once again lived up to his reputation as one of the greatest friends to education in the history of this House. I do not think that anyone who has had the opportunity, as I have had for the past 16 years, to observe the efforts of CARL PERKINS would doubt for 1 minute the validity of the suggestion that no person has given as many years and as much of his life to developing education legislation than CARL PERKINS. No person in the history of this body has a record that parallels that of CARL PERKINS, and we on the committee were very cognizant of his presence throughout the entire development of the legislation and the value of his prestige in moving legislation of this importance.

The gentleman from Ohio (Mr. ASHBROOK), the ranking minority member on the full Committee on Education and Labor, was also a very constructive and active participant in the development of this legislation. We are particularly grateful on the majority side for his constant cooperation.

I take pride, Mr. Speaker, in the fact that this bill is a product of an open process of hearings and consultations that included all Members with an interest in postsecondary education, as well as a complete cross section of the education community. This bill reflects a consensus which enjoys the support of the entire higher education community, students, parents, college presidents and faculty members. And I might say, that I doubt that any other piece of legislation has ever come from our committee with as much direct input from student groups.

□ 1050

No single interest group that appeared before our committee during the 2 years of developing this legislation appeared more often and with respect to more individual parts of the legislation than did the representatives of students who were and are in our colleges and universities across the country. They deserve our recognition for the very responsible way in which they have worked with our committee in informing us on a first hand basis with respect to the real impact of these programs on the people most directly affected by them.

Mr. Speaker, this bill reflects in many ways extraordinary individual effort by members of the committee who had a special concern and for that reason developed a special expertise and made special contributions.

The gentleman from Connecticut (Mr. RATCHFORD) is clearly that person most responsible, among all of us, for the development of the new title I of this legislation, which expands upon a number of ideas that have been around for some time, to make these programs more efficient and more effective in serving non-traditional students.

The gentleman from New York (Mr. BIAGGI), who has made a study of non-traditional students and the student data bank and has championed the supplemental education opportunity grant program for a long time, was primarily responsible for the improvements made in this part of the legislation.

The gentleman from Ohio (Mr. ASHBROOK) asked us to go to Ohio for hearings where we discovered the special problem of married students and the way in which they were treated for the purpose of receiving grants. This hearing led to an important change that will affect all married students in every institution in the country.

The gentleman from Iowa (Mr. TAUKE) is responsible in large part for the changes we have made in the administration of title III program and for the development of the supplemental educational opportunity grant trigger.

The gentleman from Illinois (Mr. SIMON), who is an expert, I might say, on the subject of international education and has succeeded our colleague, the gentleman from Indiana (Mr. BRADEMANS) in responsibility for keeping the National Institute of Education alive and kicking in Washington, contributed a great deal more than all of the rest of us in the field of international education.

I might say also that the ranking member of the committee the gentleman from New Jersey (Mr. THOMPSON), was very cooperative during the consideration of this legislation. Of course, the years of his experience show themselves in many years of the legislation, and I am sure that everyone in New Jersey is aware of the numerous provisions of the act which have special application to the institutions located in that State.

The gentleman from New York (Mr. WEISS) worked very hard on improvement of programs for schools of education and particularly with the idea of linking work study with educational goals.

The gentleman from New York (Mr. PEYSER) made great contributions with respect to title III administration, and it should be noted that one of the areas that we think is most important in the adoption of this legislation is the correction of problems that have been brought to our attention through a great deal of publicity in recent years with respect to administration of title III. We think that this legislation will put problems behind us.

The gentleman from Vermont (Mr. JEFFORDS) collaborated in the title I drafting and gave a perspective to the bill that might not otherwise be there, in that the gentleman from Vermont had us go to Vermont for hearings and demonstrated the need for changes to put emphasis on outreach to rural citizens of America.

He worked with the gentleman from Connecticut (Mr. RATCHFORD) in developing title I so that it reflected the interests of those States with large urban areas, while preserving and enhancing the activities that are directed toward rural populations.

The gentleman from Wisconsin (Mr. PETRI), a new member of the committee,

has been particularly helpful in streamlining and modernizing the loan programs.

Mr. Speaker, during the consideration of this legislation, we lost an old and dear friend to all of us who participated in fashioning it when the chief staff member of the full committee, Bill Gaul, who has worked on higher education longer than anyone else on our staff, was taken by death during the time that we were in conference with this bill. The Members will see the unusual, but certainly fitting tribute to Mr. Gaul entered by the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS) in the statement of the managers accompanying this conference report.

Mr. Speaker, all of us are deeply grateful to the staff, both majority and minority, and note that development of this legislation is an outstanding example of staff people who are not only competent, but capable of working past partisan considerations to develop legislation that ultimately had the approval of all of the majority and minority members on the committee. The staff, particularly Tom Wolanin, Pat Rissler, Bill Clohan, and Jenny Vance, are very largely responsible for it.

Mr. Speaker, H.R. 5192 authorizes balanced increases in grant assistance to help needy and middle-income students meet the increased costs of college at all types of institutions—private and public, 2-year and 4-year, small colleges and research universities. It extends eligibility to unserved part-time students, and establishes fellowship opportunities for graduate and professional school. It makes important reforms in the loan programs aimed at reducing default rates. While extending the availability of need-based loans, the bill establishes a loan program for parents who are hard pressed in assisting their child to attend college. It strengthens authorities for support of such priorities as continuing education, developing institutions, libraries, international studies, and urban universities.

I would like to stress that this is a fiscally responsible bill. The increased grant maximums and loan limits do not even keep pace with the inflation in educational costs that have occurred since the last reauthorization in 1976. When compared to the bill passed by the House, this conference report reduces the authorizations by a total of nearly \$11 billion or about \$2 billion for each year authorized.

I would like to describe in more detail the provisions of the conference agreement.

Part A of title I establishes a new Commission on National Development in Postsecondary Education. The function of the Commission shall be to review National, State, and institutional policies to examine the effectiveness of Federal financial assistance to students and institutions in conjunction with State and institutional aid policies: to consider the research capacity of institutions and the relationship between institutions and the public and private sector in promoting research; and to examine the resources of institutions and the effect of demo-

graphic changes which will impact on their ability to meet social and economic needs. At the initiative of the gentleman from New York (Mr. BIAGGI) the Commission will also conduct a study of the special needs of nontraditional and adult students in postsecondary education.

Part B of title I is renamed "Education Outreach programs." It combines the authorization for comprehensive State planning from section 1203, the authority for education information centers from title IV, the current title I (community service and continuing education), and some essential elements of title VI (financial assistance for the improvement of undergraduate instruction) and title X (establishment and expansion of community colleges).

The planning, information services and continuing education (including rural community education) activities are all focused on outreach to adults who have not been adequately served by postsecondary education.

Ninety percent of the funds are allocated to the States on an equal per State basis and on the basis of their adult population. The bill establishes a general allocation of the funds among the types of State activities authorized while leaving substantial flexibility for each State to set its own priorities. Each State is guaranteed a minimum of \$187,500.

Ten percent of the funds are reserved for the Secretary to support projects and activities to expand access to education particularly for underserved adults.

The following authorization levels are established:

Fiscal year 1981, \$20 million.  
Fiscal year 1982, \$40 million.  
Fiscal year 1983, \$60 million.  
Fiscal year 1984, \$80 million.  
Fiscal year 1985, \$100 million.

Title I substantially embodies and is built on H.R. 4531, the Lifelong Learning Act of 1979, introduced by Mr. RATCHFORD with 14 cosponsors. Title I also incorporates the longstanding interest of Mr. BIAGGI of New York in student data banks as embodied in H.R. 3513. A significant contribution to the title, particularly with respect to state planning, was drawn from H.R. 5051 which was introduced by Mr. JEFFORDS of Vermont with the cosponsorship of Mr. RATCHFORD.

Title II, college and research library assistance and library training and research, has been reorganized, by eliminating the supplemental grant, which has never been funded, and by transferring the special purpose grant program from part A into a more comprehensive part B. Assistance under part A will come in the form of resource development grants up to a maximum of \$10,000, increased from the current \$5,000, to institutions of higher education, combinations of institutions, branch campuses, or public and private nonprofit library institutions serving higher education.

The maintenance of effort provisions have been strengthened, permitting only very unusual circumstances to qualify institutions for waivers.

The funding for an expanded part B,

library training research and development, would be divided between three functions on a one-third, one-third, one-third basis, reflecting the addition of special purpose grants to part B from part A.

No major changes have been made in the substance of part C, strengthening research library resources, except the addition of a provision prohibiting recipients of part C grants from receiving grants under either parts A or B.

The conference substitute authorizes the following amounts:

Part A: \$10 million/fiscal year 1981, \$30 million/fiscal year 1982, \$30 million/fiscal year 1983, \$30 million/fiscal year 1984, \$35 million/fiscal year 1985.

Part B: \$10 million/fiscal year 1981, \$30 million/fiscal year 1982, \$30 million/fiscal year 1983, \$30 million/fiscal year 1984, \$35 million/fiscal year 1985.

Part C: \$10 million/fiscal year 1981, \$15 million/fiscal year 1982, \$15 million/fiscal year 1983, \$15 million/fiscal year 1984, \$15 million/fiscal year 1985.

An important change in the college library programs in Title II is the addition of a new part D, a study of the feasibility and advisability of establishing a national periodicals system. The authorization for this study is \$750,000 for fiscal years 1981 and 1982 and such sums for fiscal years 1983 through 1985, to be funded only if parts A, B and C are funded at the fiscal year 1979 appropriations level.

The conference substitute creates a title III program which contains three parts. Part A, strengthening institutions, is derived from the provisions of the House bill. Part B, aid to institutions with special needs, contains provisions that were in part A of the Senate amendment. Fifty percent of the appropriation will go to each of these parts. Under both parts, the purposes of the program are clarified to focus on strengthening institutions which enroll large numbers of disadvantaged students, lack resources, and are taking steps to improve their chances for survival.

Under part B of the conference substitute, the institutions that historically have served substantial numbers of black students shall be assured that their sector will receive not less than 50 percent of the amount that the sector received in fiscal year 1979 under the current title III program. Community colleges are guaranteed a floor of 24 percent of the assistance under part A and 30 percent of the assistance under part B.

The conference substitute incorporates the provisions of the House bill pertaining to challenge grants to institutions eligible for assistance under part A or part B. An institution receiving a challenge grant will match Federal funds on a 50-50 basis. The institutional match must be new money and can be raised from alumni giving, foundation grants, increased State appropriations, et cetera.

The conference substitute modifies the provisions of the House bill establishing an application review process and a committee on review to provide only for an application review process.

The conference substitute authorizes the following amounts for Parts A and

B: \$160 million/fiscal year 1981, \$185 million/fiscal year 1982, \$210 million/fiscal year 1983, \$245 million/fiscal year 1984, \$280 million/fiscal year 1985.

The substitute provides the following authorizations for the challenge grant program: \$25 million/fiscal year 1982, \$35 million/fiscal year 1983, \$45 million/fiscal year 1984, \$50 million/fiscal year 1985.

#### TITLE IV, STUDENT ASSISTANCE BASIC GRANTS

The basic grant is renamed the Pell grant in recognition of the contribution of the chairman of the Senate Subcommittee on Education, Arts, and Humanities, and the maximum award is increased. In addition, the limitation in the program that a student's basic grant may not exceed 50 percent of their cost of attendance is modified. The maximum grant amount is increased in steps from the current level of \$1,800 to \$2,600 in fiscal year 1985 and the percentage of cost limitation is also increased from the current level of 50 to 70 percent when the maximum grant reaches \$2,600.

In the case of less than full funding, students whose eligibility for a basic grant is within \$200 of the maximum grant will be paid the full amount of their grant first, then grants will be reduced according to a statutory schedule which gives the most protection to the lowest income students. The minimum basic grant award at less than full funding is increased from \$50 to \$200.

Students will be eligible for a grant during the period required to complete their first baccalaureate course of study. Current law provides for 4 years of full-time support.

The thresholds in current law requiring funding for the college work study, supplemental educational opportunity grant and national direct student loan programs are retained. The level of the college work study threshold is revised from \$500 million to \$550 million, and the SEOG threshold increases from \$370 million to \$480 million in step with increases in the maximum grant and percentage of cost limitation. A new threshold is established for the State student incentive grant program at \$76.75 million—the current appropriation.

#### SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT

The definition of student eligibility is simplified so that the program serves students with "need." The requirement that SEOG awards be matched at the campus with other forms of assistance is eliminated. Students are provided with the same eligibility as basic grants toward completion of their undergraduate studies.

The maximum yearly award is increased from \$1,500 to \$2,000. The \$4,000 cumulative maximum in current law is repealed.

The conference substitute authorizes initial year appropriations of \$400 million for fiscal years 1981 through 1985 and authorizes appropriations of such sums as may be necessary for continuing year SEOG awards for fiscal years 1981 through 1985.

The formula for the allocation of SEOG funds among the States is modified to be based on "undergraduates" rather than "persons" since the program only serves undergraduates and not graduate students who are included in the term "persons."

The conference substitute determines institutional need for supplemental grant funds by subtracting from 75 percent of the total student expenses the sum of family and student contributions, Pell grants, SSI assistance and 25 percent of grants and awards made by the institution from its own resources. The substitute further provides a declining institutional hold harmless related to increased availability of appropriations for the program.

For the purposes of determining each institution's need for SEOG funds, I believe that the conferees intend that SSI funds be counted in each institution's SEOG application in a manner that reflects total State grants (the Federal SSI contribution plus total State matching contribution) received for students at that institution. I have been advised that certain States, such as Missouri, maintain separate accounting procedures for distribution of Federal SSI funds and State funds. Where this procedure is used, and given the manner in which the SEOG formula determines institutional need, certain institutions could be unfairly penalized. Thus, I think it important to emphasize that for the purpose of determining SEOG need, SSI funds allotted to a State and the State contribution shall be considered proportionately utilized in each State student grant.

Institutions will be permitted to use up to 10 percent of their SEOG funds to make awards to less-than-half-time students.

With respect to the relationship between the basic educational opportunity grant, the supplemental educational opportunity grant and the State student incentive grant, a Federal policy objective is set of meeting 75 percent of a student's cost of education through a combination of family contribution and grant aid.

In sum, the SEOG program is simplified to make it a flexible source of campus-based grant assistance available to meet the diverse needs of students.

#### STATE STUDENT INCENTIVE GRANT PROGRAM

The distinction between authorizations for initial year and continuing year awards is removed and authorizations are provided as follows: fiscal year 1981, \$100 million; fiscal year 1982, \$100 million; fiscal year 1983, \$150 million; fiscal year 1984, \$200 million; fiscal year 1985, \$250 million.

The maximum award to a student is increased from \$1,500 to \$2,000. Current law is clarified to permit State grant programs which serve less than half time students or graduate students to qualify. The requirement that eligible State programs serve students in all non-profit institutions is modified to exempt State statutory restrictions enacted prior to October 1, 1978. The bonus allotment

for States with State guarantee agencies is repealed.

#### TRIO PROGRAMS

The authorization is increased to \$400 million in fiscal year 1981 and at such sums authorization is provided for subsequent years. The staff development authority is clarified to provide for greater involvement by professionals in the field. The unfunded service learning center authority is repealed. The Secretary is required to consider the prior experience of applicants in making TRIO awards.

The talent search program is focused as a community-based program serving youth. The services to be provided to clients are enumerated and include tutorial services. Two-thirds of those served must be both low income (150 percent of poverty) and first generation in college (neither parent completed a baccalaureate degree).

The Upward Bound program is focused on junior and senior high school youth and the services to be provided are enumerated. Two-thirds of those served must be low income and first generation in college, and one-third can be either low income or first generation.

The special services for disadvantaged students program is focused on those enrolled in postsecondary education and the services to be provided are enumerated. Two-thirds of those served must be low income and first generation in college or handicapped, and one-third of those served can be either low income, first generation, or handicapped.

The educational opportunity centers are focused as a community-based program serving adults. Two-thirds of those served must be low income and first generation. The services to be provided are specified and language is included to prevent duplication between talent search and educational opportunity centers.

Statutory authority is provided for the special programs for students whose families are engaged in migrant and seasonal farm work. The authorization for this program is \$9.6 million in fiscal year 1981, \$12 million in fiscal year 1982, \$14 million in fiscal year 1983, \$16 million in fiscal year 1984, and \$18 million in fiscal year 1985.

#### ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Current law is retained unchanged.

#### VETERANS COST OF INSTRUCTION PROGRAM

The program is modified to provide greater encouragement for institutions to serve handicapped and disabled veterans. Consortia arrangements among institutions serving veterans and coordination among programs serving veterans are also further encouraged.

#### GUARANTEED STUDENT LOANS

Seven days of hearings by the subcommittee were devoted to this program. These deliberations identified five major areas of concern: The need to enhance the ability of parents to obtain the liquidity to pay their reasonable share of the costs of educating their children, the lack of capital availability in some areas of the Nation, the need to provide a mechanism for the consolidation of multiple student loans, the need to provide

for extended and income sensitive repayment terms for borrowers with a large student loan debt and the problem of further curbing loan defaults. These concerns and suggested solutions were brought before the subcommittee by Mr. SMITH of Iowa, Mr. MAGUIRE of New Jersey, and Mrs. FENWICK of New Jersey among others.

The first of these concerns is addressed by the creation of a parent loan program. Under the parent loan program, parents could borrow up to \$3,000 per year and \$15,000 total for any one student. Parents would begin repaying a loan at the earliest of the following dates: 4 years after disbursement of the loan; the student completes his or her studies; the student ceases to be enrolled at least half time; and a date set by the parent and the lender.

Parents who begin repaying on an installment basis within 60 days or less would pay 8-percent interest. Parents who begin repaying after 60 days would pay 11 percent. Thus, there is an incentive for parents to begin repayment within 60 days.

In all other respects, the parent loan would be identical to the current guaranteed student loan program.

The Student Loan Marketing Association (Sallie Mae) is given the authority to make loans directly to students and parents in areas where there is a severe shortage of student loan capital. In addition, State guarantee agencies may act as lenders of last resort using funds borrowed from Sallie Mae.

If a student or parent borrower has loans from more than one lender or under NDSL, GSL or another Federal student loan program the aggregate amount of which exceeds \$5,000, Sallie Mae could make a single consolidation loan to the borrower. If the total indebtedness of a student or a parent exceeds \$7,500, Sallie Mae could make a new loan to the borrower with graduated or income-sensitive repayment terms of up to 20 years' length. Sallie Mae is mandated to disseminate information on its consolidation and extended repayment loan options.

Incentives are also provided for State guarantee agencies to provide lender referral services to borrowers.

With respect to curbing defaults; making loans available to parents, providing for loan consolidation and providing for extended and income-sensitive repayment should effectively prevent defaults. In addition, a system is established for the Secretary to share information on defaulted loans with credit bureaus. Provision is also made for student borrowers to request lenders to report to credit bureaus their positive record of student loan repayment. The Department of Education is instructed to share information on student names and addresses with State guarantee agencies to facilitate the collection of defaulted loans. Lenders under the program are also required to provide thorough and accurate loan information to student borrowers.

Sallie Mae's dependency on Federal capital is reduced by prohibiting the Secretary of the Treasury from requiring that Sallie Mae raise funds through

the Federal financing bank and by removing the guarantee of the full faith and credit of the United States in 1984. To complement these changes, Sallie Mae's ability to raise private capital is enhanced by permitting it to deal in debt obligations comparable to those offered by other secondary markets, to raise funds through the sale of nonvoting common stock and by removing the specification in the law of the par value of Sallie Mae's stock.

Finally, Sallie Mae's ability to effectively perform as a secondary market for student loans is enhanced by permitting Sallie Mae to advance to a lender up to 100 percent of the face value of a student loan in warehousing and in broadening the types of securities that Sallie Mae can accept in providing warehouse advances. Under current law, Sallie Mae can deal with lenders with assets of less than \$50 million even if the lenders discriminate against borrowers on the basis of their banking relationship with the lender. This \$50 million limit is increased to \$75 million.

The annual loan limit for independent undergraduate students is increased from \$2,500 to \$3,000. The aggregate loan maximums for students are modified as follows:

	Current law	H.R. 5192
Dependent undergraduate .....	\$7,500	\$12,500
Independent undergraduate .....	7,500	15,000
Graduate student .....	15,000	25,000

The Secretary is given the authority to waive the aggregate maximum for graduate students enrolled in unusually expensive programs of professional studies.

The interest rate for new borrowers is increased from 7 to 8 percent, and the grace period before repayment begins is shortened from 9 to 12 months to 6 months for new borrowers.

Limitations are placed on the payment of the special allowance for loan funds raised through the issuance of tax-exempt bonds to prevent abuses in this practice.

The allocation of administrative allowances among specified purposes by State guarantee agencies is removed and the definition of allowable administrative expenses is clarified.

#### COLLEGE WORK STUDY

Authorization for the program is provided as follows: fiscal year 1981, \$670 million, fiscal year 1982, \$720 million, fiscal year 1983, \$760 million, fiscal year 1984, \$800 million, fiscal year 1985, \$830 million.

Students employed under this program are required to be paid the minimum wage. Institutions are permitted to carry forward and carry backward up to 10 percent of their college work study funds. The job location and development program is expanded by permitting institutions to use up to \$25,000 for this purpose rather than \$15,000 in current law.

Institutions are permitted to use up to 10 percent of their work-study funds for

less than half-time students and are encouraged, at the suggestion of Mr. WEISS of New York, to provide employment that complements the educational program of a student. Institutions are also permitted to use part of their administrative allowance to establish community service learning programs.

#### NATIONAL DIRECT STUDENT LOAN PROGRAM

Authorization for new capital contributions is provided as follows: fiscal year 1981, \$400 million, fiscal year 1982, \$400 million, fiscal year 1983, \$475 million, fiscal year 1984, \$550 million, fiscal year 1985, \$625 million.

The aggregate loan limits are modified as follows:

	Current law	H.R. 5192
First 2 years as an undergraduate .....	\$2,500	\$3,000
Undergraduate total.....	5,000	6,000
Undergraduate and graduate total.....	15,000	12,000

The interest rate for new loans is increased from 3 to 4 percent.

For both the national direct student loan program and the guaranteed student loan program four new circumstances under which borrowers can defer repayment of their loans are defined: First, periods of up to 3 years for temporary total disability (at the suggestion of the gentleman from New York (Mr. BINGHAM); second, service in the Commissioned Corps of the Public Health Service (at the suggestion of the gentleman from West Virginia (Mr. STAGGERS); third, service as a full-time volunteer with a nonprofit agency that engages in activities like the Peace Corps or VISTA; and fourth, internships required to begin professional practice.

Efforts to curb defaults will be enhanced by a system for the exchange of information on defaulted loans between the Secretary and credit bureaus and by providing for the sharing of names and addresses of defaulters with lenders. The conference substitute also requires the Secretary to attempt to collect defaulted loans for 4 years after they are assigned and requires institutions to provide thorough and accurate loan information to students.

The definition of handicapped students for purposes of teacher loan cancellation is conformed to the definition used in the Education of the Handicapped Act, at the initiative of the gentleman from Maryland (Mr. BAUMAN.) The law is clarified with regard to the treatment of loan cancellations as income.

The conference substitute also provides an alternative financing mechanism through borrowing by the Secretary to meet the student loan capital needs of institutions of higher education through a procedure by which existing campus revolving funds revert to the Federal Government.

#### GENERAL PROVISIONS—TITLE IV INSTITUTIONAL ELIGIBILITY

Institutions are required to provide students and prospective students with

information on their academic programs, costs, student financial aid programs, tuition refund policy, special services for the handicapped, accreditation status and standards of satisfactory progress.

#### NEEDS ANALYSIS

The development of a single system of needs analysis for eligibility for student assistance is mandated. Participation by the higher education community in the development of an annual schedule of expected family contributions is required, and congressional review of the schedule is provided for.

An assessment rate of 14 percent on discretionary income is specified for adjusted gross family incomes less than \$25,000.

The criteria to be used in formulating the expected family contribution schedule are specified for all of title IV rather than just for the basic grant program. The criteria in current law applicable to the basic grant program are retained with the following exceptions and modifications:

Reasonable child care expenses are included in the student's budget;

All individuals are provided with an asset reserve of not less than \$10,000. All equity in the family's principal place of residence is excluded from consideration as an asset at the initiative of Mr. DRINAN of Massachusetts. An additional asset reserve of not less than \$50,000 is provided to those with farm or business assets;

The assessment rate on the income of independent students with dependents will be the same as the rate for the families of dependent students;

In calculating student cost of attendance separate commuter budgets are provided for students who live with their parents and those who do not;

Simplified data requirements from institutions by eliminating the requirement that "actual" cost of attendance be provided for every student;

Permits the calculation of student budgets on the basis of the costs of study abroad where such study is included in a formal program at the institution;

Requires that a married student will be considered independent and be permitted to use current year income information; and

Expenses for the special services or equipment needed by handicapped students are included in the student's budget.

#### SINGLE FORM

Requires that student eligibility for title IV programs be established through a single form without cost to the student or the student's family. Also requires that the processing of such application be decentralized to the maximum extent practicable.

The Secretary is also authorized to develop a system of preeligibility assistance to provide students with early notice of their potential eligibility for financial aid.

#### ADMINISTRATIVE ALLOWANCE

Provides institutions with an administrative allowance of \$10 per each basic grant recipient and \$10 per each holder

of a guaranteed student loan. In addition, provides that from the campus-based programs each institution shall receive an administrative allowance equal to 5 percent of the amount of campus-based funds up to \$2.75 million, 4 percent of the amount of campus-based funds greater than \$2.75 million but less than \$5.5 million, and 3 percent of the amount of campus-based funds in excess of \$5.5 million. The ceiling on the amount of administrative allowance an institution can receive is removed, and institutions are required to use their administrative allowance solely for the purpose of administering the student financial aid programs.

#### CRIMINAL AND CIVIL PENALTIES

The criminal penalties for fraud which in current law apply only to the guaranteed student loan program are applied to all of the title IV programs. Institutions may be suspended or terminated from the program or civil penalties levied for substantial misrepresentation of educational programs, financial changes or the employability of graduates.

#### STUDENT FINANCIAL ASSISTANCE TRAINING PROGRAM

The program is modified to provide for training services through contracts with the Secretary for those involved in student financial assistance programs.

A National Commission on Student Assistance is established to undertake a year study of issues such as more effective means to curb defaults, capital availability, the most appropriate mix of gift aid and self help, the status of financial aid for graduate students, the appropriate level of public subsidy of student loans and the impact of student assistance on student career choices and educational prices. In addition, special 1-year studies of the following topics will be made: Insurance premiums charged to students, the method of determining the special allowance, the academic progress standards required for student eligibility for financial assistance and the recapture of interest subsidies paid on behalf of student borrowers by the Federal Government.

The President, the Speaker and the President pro tempore of the Senate each appoint one-third of the 12 members. It was evident in the hearings that a great many questions concerning student assistance generally cannot be answered and that radical changes in the current student loan programs cannot therefore be justified at this time. The Commission is created to provide answers to these questions so that Congress and the President will be better informed in future deliberations on these programs. An authorization of \$10 million is provided.

#### TITLE V. TEACHER TRAINING PROGRAMS

The limitation on the salaries for teacher interns in the Teacher Corps programs is deleted. Cooperation between local educational agencies and in-teacher center program is encouraged.

More emphasis is placed on updating teachers in the use of technology, telecommunications and testing. The pool of eligible grantees for teacher centers

is expanded with the inclusion of educational service agencies.

Direction is given to the Secretary to make at least one grant award for teacher centers in each State.

Grants to schools of education for upgrading their faculty and curriculum to meet current needs are authorized.

The conference substitute establishes an Office of Education Professional Development in the Department of Education to review professional development operations and to coordinate their activities among the various Federal education programs.

The conference substitute authorizes the following amounts for the Teacher Corps program: \$45 million, fiscal year 1981; \$55 million, fiscal year 1982; \$65 million, fiscal year 1983; \$75 million, fiscal year 1984; \$85 million, fiscal year 1985.

The conference substitute provides for the following authorizations for teacher training programs: \$20 million, fiscal year 1981; \$30 million, fiscal year 1982; \$40 million, fiscal year 1983; \$50 million, fiscal year 1984; \$55 million, fiscal year 1985.

The conference substitute authorizes a new program of training for elementary and secondary school teachers to teach handicapped children in areas where there is a shortage of such teachers. This training program is in the nature of fellowships to individual teachers who must within 5 years after completion of training teach for at least 2 years in a special education program or repay the stipend awarded to the individual.

The authorization levels for this new program are: \$2 million, fiscal year 1981; \$3 million, fiscal year 1982; \$5 million, fiscal years 1983-85.

Title VI of the current law is replaced by a new title VI, foreign studies and language development. The new title VI incorporates title VI of the National Defense Education Act, language and area studies, some provisions from the International Education Act as well as the recommendations of the President's Commission on Foreign Language and International Studies. Mr. SIMON of Illinois, who served as a member of the President's Commission, provided the leadership for the development of this title.

The conference substitute provides the following authorizations: \$45 million, fiscal year 1981; \$55 million, fiscal year 1982; \$70 million, fiscal year 1983; \$80 million, fiscal year 1984; \$85 million, fiscal year 1985.

The conference substitute authorizes a new part B of title VI, business and international education programs. This new part establishes a dollar for dollar matching grant program to postsecondary institutions which have entered into agreements with business enterprises, trade organizations or consortia of such organizations to establish or expand curricula to serve the international needs of the American business community.

There is authorized an annual appropriation of \$7,500,000 for fiscal year 1981 through 1985 for the purposes of this new part.

#### TITLE VII. CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

The title is simplified but retains the current State allocation formula. New authority to support improvement of research facilities including libraries and for compliance with section 504 is provided.

Assistance for facilities in areas experiencing unusual increases in enrollments or requiring the detection or removal of asbestos hazards is also authorized. Part D, assistance in major disaster areas, is repealed. The interest rate for academic facilities loans is increased from 3 to 4 percent.

The conference substitute provides the following authorizations for part A, State grant program for the construction, reconstruction and renovation of academic facilities: \$140 million, fiscal year 1981; \$140 million, fiscal year 1982; \$145 million, fiscal year 1983; \$150 million, fiscal year 1984; \$155 million, fiscal year 1985.

The substitute provides an authorization of \$80 million per year for part B, institutional grants for construction, reconstruction and renovation of graduate academic facilities.

The substitute authorizes \$110 million per year for part C, loans for construction, reconstruction and renovation of academic facilities.

#### TITLE VIII. COOPERATIVE EDUCATION

The conference substitute authorizes \$30 million for fiscal years 1981 through 1985 for the basic program. The maximum grant to a single institution is increased from \$175,000 to \$325,000, and the maximum grant to each member of a consortium is increased from \$120,000 to \$250,000. Different approaches to cooperative education are encouraged by permitting programs to include alternate or "parallel" periods of work and study.

An authorization of \$5 million for each of the fiscal years 1981 through 1985 is provided for grants and contracts for training and research.

#### TITLE IX. GRADUATE PROGRAMS

The title is updated by striking references to the "expansion" of graduate programs. Part A, grant to institutions of higher education, is extended through fiscal year 1985 at its current authorization level of \$50 million.

Parts B, C, and D of current law are revised by the conference substitute to provide a program of campus based grant awards to graduate and professional students based on financial need. The maximum award to a student is \$4,500 per year for 3 years.

The substitute also provides for the maintenance of the level of awards (including institutional allowances) for the public service, mining and graduate and professional opportunity fellowship programs. The substitute authorizes \$60 million for fiscal year 1981 and for fiscal year 1982 and such sums as may be necessary for fiscal year 1983 through 1985 for this new part B.

The conference substitute also provides a new part C, national graduate fellowships. This part would provide 450 portable competitive fellowships each year in the arts, humanities, and social

sciences. Selection of these fellowships would be based on merit, with the stipend awarded being related to the recipient's financial need. The national graduate fellows program fellowship board would be created to select the areas in which the fellowships are to be awarded and to appoint panels for the selection of recipients.

The conference substitute extends the program of assistance for training in the legal profession as a new part D of title IX with the following authorizations: \$5 million, fiscal year 1981; \$5 million, fiscal year 1982; \$7.5 million, fiscal year 1983; \$7.5 million, fiscal year 1984; \$10 million, fiscal year 1985.

The conference substitute continues the authority for the law school clinical experience program as part E in title IX (deleting such authority from title XI). The following authorizations are provided: \$5 million, fiscal year 1981; \$8 million, fiscal year 1982; \$8 million, fiscal year 1983; \$9 million, fiscal year 1984; \$10 million, fiscal year 1985.

#### TITLE X

The vacated parts of this title are replaced by transferring the authority for the Fund for the Improvement of Postsecondary Education from the General Education Provisions Act. The Board of the Fund is given a statutory base. The following authorizations are provided: \$20 million, fiscal year 1981; \$30 million, fiscal year 1982; \$40 million, fiscal year 1983; \$50 million, fiscal year 1984; \$50 million, fiscal year 1985.

Part C of title X creating the bureau of occupational and adult education and the community college unit is retained in current law.

#### NEW TITLE XI. THE URBAN GRANT UNIVERSITY PROGRAM

This title is designed to provide assistance to urban educational institutions in developing, in conjunction with local officials, responses to needs and problems of the urban area. It builds on the idea that the urban university and the urban area in which it is located have a natural affiliation and that the institution can provide research and services to help address urban problems.

Under this program, grants will be awarded on a competitive basis to institutions to provide applied research and service projects for their cities. The application must indicate the degree to which the local government is involved with planning and is committed to a financial contribution to the project. The Federal share is limited to 90 percent of the project cost.

As defined in this title, an urban area is an SMSA with a 500,000 or more population (the State may designate an area in States where there is no such SMSA). An urban university is one which is located in an urban area, draws a substantial portion of its students from said area; has the capacity to provide the services authorized, and offers a sufficient range of graduate or professional programs to sustain its offerings of services. A consortium can qualify for this program as long as one member meets all the qualifications.

I would like to stress one point all the

supporters of title XI have made at one time or another, and which I believe the Department of Education must take very much to heart. Title XI is a simple concept, and one which requires a bare minimum of Federal intervention. Under the terms of title XI, the cities are to decide what their problems are, and the universities are to decide how they can contribute to meeting those problems. The Secretary of Education has broad discretion in deciding whether or not a given city-university linkage is well developed enough to justify approval of an application under title XI, but those of us who have worked on urban grant for over 3 years now do not look upon the provisions of the act as providing the Secretary with a lot of blank spaces crying out to be filled with detailed regulatory prescription.

The conference report authorizes the appropriation of up to \$15 million for fiscal year 1981 under this title. This is not a large amount, but it is enough to get the program underway and to fund some projects, perhaps of a demonstration nature, during the initial program year.

There are, Mr. Speaker, some urban universities which have already developed the kind of ties with their cities and counties which title XI calls for. I hope the distinguished members of the Appropriations Committees will give careful consideration to the appropriation of some funds for title XI so that a few, carefully chosen projects can get under way in fiscal year 1981. The regulation writing and application process should be completed very soon, and there is no good reason why, given some funding for fiscal year 1981, we cannot embark on the implementation of the Urban Grant Act in the immediate future. Urban grant, it seems to me, is in close harmony with the times. It does not call for massive expenditures; it does not involve major Federal intervention in local decisionmaking, and it is intended to bring the resources of the city and the resources of the urban university together in order to make the most effective and economical use of both.

The authorization levels are: fiscal year 1981, \$15 million; fiscal year 1982, \$25 million; fiscal year 1983, \$40 million; fiscal year 1984, \$50 million; fiscal year 1985, \$65 million.

I introduced this legislation in the last Congress with 57 cosponsors. Five days of hearings were held on the bill in 1978. The legislation was reintroduced in this as H.R. 3181, which simplified and clarified it on the basis of what was learned through the hearings. H.R. 3181 has 72 cosponsors.

#### TITLE XII. GENERAL PROVISIONS

The provision for State agreements are modified to simplify the mechanism through which States provide assurances to the Federal Government for their participation in programs authorized under the Higher Education Act.

The States are given more flexibility in establishing a structure through which to perform federally required planning under the Higher Education Act, but

broad participation continues to be assured.

The conference substitute authorizes the Secretary to make such modifications of any program under the act as she deems necessary in order to adapt such programs to the needs of the territories, and requires the Secretary within 18 months after the time of enactment to conduct an analysis of the unique educational needs of the territories.

The conference substitute also authorizes \$2 million for each fiscal year through 1985 to support the cost of postsecondary education programs in Guam for nonresident students from other Pacific territories.

The conference substitute establishes a National Advisory Committee on Accreditation and Institutional Eligibility to advise the Secretary.

#### NEW TITLE XIII. WOMEN'S WORKSITE DEVELOPMENT PROGRAM

The conference substitute authorizes a program to encourage and to support the efforts of all forms of postsecondary institutions to serve women in their workplaces with the collaboration of labor unions and employers. An authorization of \$7.5 million is provided for each fiscal year 1981 through 1985.

#### TITLE XIV. MISCELLANEOUS PROVISIONS

The conference substitute amends the contingent extension provision of the General Election Provisions Act to authorize the contingent extension of any forward-funded program for 2 fiscal years.

The conference substitute amends the General Education Provisions Act to authorize the Congress to disapprove Department of Education regulations in whole or in part.

The conference substitute authorizes appropriations to the Secretary of Education for fiscal year 1981 of \$2.5 million for the college science teacher program, and \$5 million for the minority institution science program.

The conference substitute extends the life of the Commission on the Review of the Federal Impact Aid Program until September 30, 1981.

The conference substitute amends the General Education Provisions Act to provide that no regulation affecting any institution of higher education in the United States shall become effective unless the agency promulgating such regulation publishes in the Federal Register an educational impact assessment statement which shall identify what information specified by the regulation is available from another authority of the United States.

The conference substitute authorizes the Secretary to make a 1-year study of programs authorized by the Elementary and Secondary Education Act, the Vocational Education Act and the Education of the Handicapped Act in order to analyze if there are unnecessary duplications, conflicts and reporting requirements in these programs, while at the same time insuring the delivery of educational services and the ability of the Federal Government to monitor and evaluate the programs' effectiveness in serving the desired target populations.

The conference substitute adds, as a

priority for research by the National Institute of Education, special problems of the nontraditional student. The authorization for the Institute is extended at the following levels: \$125 million, fiscal year 1981; \$145 million, fiscal year 1982; \$165 million, fiscal year 1983; \$190 million, fiscal year 1984; \$215 million, fiscal year 1985.

The conference substitute establishes and advisory council to evaluate the needs of Native Hawaiians and the effectiveness of existing State and federally assisted educational programs in meeting such needs. A total of \$500,000 is authorized for the period of fiscal years 1981 through 1983.

The conference substitute authorizes a 1-year provision amending the impact aid laws to provide special assistance to local school districts facing influxes of Cuban, Haitian, and Indochinese refugee children.

The conference substitute extends the authorization of appropriations for construction at Navajo Community College for 1 year and changes the authorization to an amount based on the actual cost of operation and maintenance of the institution.

The conference substitute makes the College of Micronesia a land-grant college.

The conference substitute authorizes an appropriation of \$750,000 per year to be matched by funds from private sources for the Robert A. Taft Institute.

The conference substitute authorizes \$6 million for fiscal year 1981 for a grant to establish the General Daniel James Memorial Health Education Center to be located in the Tuskegee Institute in Tuskegee, Ala.

The conference substitute authorizes \$750,000 for fiscal year 1981 to establish the William Levi Dawson Chair of Public Affairs at Fisk University at Nashville, Tenn.

Mr. Speaker, sitting to my left is the most senior member of this committee who has contributed more to higher education legislation since the adoption of the act in 1965 than any other individual, and who was probably the most active member of the conference.

The name of the gentleman from Indiana (Mr. JOHN BRADEMÁS) is synonymous with higher education legislation in this House.

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

Mr. FORD of Michigan. I yield to the gentleman from Indiana.

Mr. BRADEMÁS. Mr. Speaker, I rise to express my appreciation to our colleague, the gentleman from Michigan, the Honorable WILLIAM D. FORD, for his gracious remarks and to voice my strong support for the conference report on H.R. 5192, the Education Amendments of 1980.

Mr. Speaker, allow me both as one who has served on the House subcommittee with jurisdiction over higher education for nearly 22 years and as a member of the conference committee on the legislation now under consideration, warmly to commend the distinguished chairman of the Subcommittee on Postsecondary Education, BILL FORD, on his outstanding leadership on this important legislation.

BILL FORD is a legislator's legislator. He does his homework and understands his subcommittee and committee and knows how to work effectively with both majority and minority members in the House as well as in the other body.

So I want to congratulate him on the splendid job he has done on this legislation as well as to salute the other members of the subcommittee, both Democrats and Republicans. They have worked hard and cooperated effectively in bringing this legislation to the floor.

In particular, Mr. Speaker, I should like to acknowledge the valuable contributions of several distinguished members of the conference committee, the chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS); the ranking minority member of the committee, Mr. ASHBROOK; and the ranking minority member of the subcommittee, the gentleman from Alabama (Mr. BUCHANAN).

Mr. Speaker, I should also cite Members of the other body for their contributions, in particular, the chairman of the Subcommittee on Education, Arts, and the Humanities, the distinguished senior Senator from Rhode Island (Mr. PELL), and the distinguished senior Senator from New York (Mr. JAVITS).

I want also, Mr. Speaker, to echo the tribute paid by Chairman FORD to William Gaul, who served as a principal staff assistant on the Committee on Education and Labor for so many years and whose own contributions to the shaping of Federal higher education policy will endure for many more years. All of us who knew and worked with Bill Gaul mourn his passing even as we are grateful for his life.

Mr. Speaker, this important measure, the conference report on H.R. 5192, seeks to advance the goal of achieving equal educational opportunity through continuing and strengthening our programs of Federal financial assistance to students.

The passage of this legislation will reaffirm the commitment of the Federal Government to help students attend colleges and universities throughout the United States whether those institutions are public or private.

Mr. Speaker, I believe the House and Senate conferees have worked out a fair compromise and that it is embodied in the conference report we are today considering. The measure on which we shall shortly act represents a genuine bipartisan effort in which Members of the House can take pride.

I shall not, Mr. Speaker, attempt to discuss all aspects of the conference report but I want to mention certain sections of the bill which, in my judgment, deserve particular attention.

I think it important to note, Mr. Speaker, that the conference report contains several new provisions to assist college students who need assistance.

First, under the conference report, the maximum basic educational opportunity grant that a student can receive would be increased step-by-step from the current figure of \$1,800 to \$2,600

by fiscal 1985. Moreover, that portion of a student's costs which the grant would cover would rise from half to 70 percent.

Second, the conference report would make basic grants available to students for the full time required to complete their undergraduate studies instead of, as in present law, limiting the availability of the grants to four academic years.

Third, the conference report would increase the supplemental educational opportunity grant, for students with extraordinary financial need, from \$1,500 to \$2,000.

These several changes, Mr. Speaker, obviously continue our policy of providing assistance to students primarily on the basis of financial need. There are other provisions in the bill which preserve our commitment to recognizing not only the needs of poor students but of middle-income students and their families for some help.

The maximum guaranteed student loan available to independent students regardless of their income would, under the conference report, be raised from \$2,500 to \$3,000.

To enable parents more easily to contribute to the education of their children in college, the conference report establishes a new parent loan program permitting parents to borrow up to \$3,000.

Further help is offered to families, regardless of income, by excluding the principal residence of a family from consideration as an asset in determining the resources a student's family has available to pay college costs.

Mr. Speaker, these provisions and others in the conference report aimed at expanding the several Federal student assistance programs will help low- and middle-income students meet the increased costs of college at all types of institutions—private and public, 2 year and 4 year, small colleges and large research universities.

I am especially gratified, Mr. Speaker, that the House conferees insisted on rejecting provisions in the Senate bill which would have seriously reduced the ability of many students to borrow funds for college. Members of the conference committee refused to accept Senate provisions that would have required students, after leaving college, to repay the interest they incurred while in college.

The conference committee also rejected a Senate provision that would have raised the interest rate on guaranteed student loans from 7 to 9 percent and reached a compromise on this matter. In addition, the conference rejected a Senate proposal to shorten from 9 to 4 months the grace period before repayment of loans must begin.

Let me mention as well, Mr. Speaker, that the conference agreement also contains provisions for the following purposes: To strengthen college libraries, assist institutions with high percentages of low-income students, simplify procedures for student-aid applications, expand programs in international education, provide fellowships to train teachers of handicapped children and continue support for educational research

conducted by the National Institute of Education.

Mr. Speaker, as author of the original legislation that authorized the National Institute of Education, I was of course pleased to see the conference agree to continue the work of this significant institution.

I am gratified as well to see our distinguished colleague from Illinois, the Honorable PAUL SIMON, chairman of the Select Education Subcommittee, provide leadership in another area of long-standing interest to me, international education, and Mr. SIMON's influence is demonstrated by provisions contained in the conference report.

To reiterate, Mr. Speaker, this legislation has strong bipartisan support. The conference report deserves the approval of this body and I urge its adoption.

□ 1100

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

Mr. FORD of Michigan. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I, too, want to join the gentleman from Indiana (Mr. BRADENAS) in complimenting the gentleman from Michigan (Mr. BILL FORD) for his leadership in bringing forth this monumental piece of education legislation. It was through his leadership and his ability and the amount of hours he has put in, he and the ranking Republican member, the gentleman from Alabama (Mr. BUCHANAN) and all the members of the committee that we are able to vote on this piece of legislation.

Mr. Speaker, I would like to ask a few questions of the gentleman from Michigan (Mr. FORD).

The gentleman will remember that at the request of the Speaker and myself, the gentleman's committee made a special provision under title VII for construction, reconstruction, and renovation of academic facilities for graduate libraries. I am delighted to see that the House and Senate conferees have agreed to these provisions.

Your committee recognized our request specifically in its report to the House. This provision was brought to the gentleman's attention because there are a few institutions who have not been able to add new library facilities for over 35 or 40 years because of financial restraints. Many institutions have constructed new library facilities under the provisions of this law. Is the gentleman aware of that?

Mr. FORD of Michigan. Yes, I understand that there is one such instance at Boston College.

Mr. CONTE. Well, that is right. This prestigious institution now has some funds available, but needs assistance under title VII.

In view of the need for funds for graduate facilities, two priorities, which are: Graduate facilities with unclosed loans, and research libraries as reported by the Senate and House conferees, prompted our Appropriations Committee, under the great leadership of the gentleman from Kentucky (Mr. NATCHER) to release \$25 million from amounts available in the higher education loan fund for grad-

uate facilities. The committee also provided authority to the Secretary of Education to provide funds in excess of campus loan limits to meet special and critical needs within these priorities.

Mr. FORD of Michigan. Mr. Speaker, I am delighted to say to the gentleman from Massachusetts that the committee took note, not only of the gentleman's request, but of the long and hard work of the gentleman from Massachusetts and his consistent efforts on behalf of appropriations for the legislation that comes from our committee and deemed it wise to follow the gentleman's counsel. If the gentleman sees the committee report, he will note that we specifically referred to the purposes the gentleman has just outlined. We are very pleased to note that the 1981 appropriations bill coming from the gentleman's committee takes into account the report language from our committee and we expect that these projects will, in fact, come into being very quickly and the gentleman from Massachusetts and the Speaker are to be complimented for bringing this to our attention.

I think the gentleman should recognize that it is a very strong compliment to the gentleman from Massachusetts, as well as to the Speaker, that when this was raised by my amendment on the gentleman's behalf in the committee, there was not a single dissenting vote.

Mr. CONTE. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. FORD) very much. He is a good man and the gentleman's district is lucky to have him.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me?

Mr. FORD of Michigan. I yield to the distinguished gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, we are bringing before the House today a landmark conference report on the continuation and revision of the Federal higher education laws. This bill, if adopted, will afford millions and millions of American citizens in the years ahead an opportunity they might not otherwise have to pursue a postsecondary education.

This conference report is the product of the efforts of many Members of Congress; but I would particularly like to acknowledge the diligent leadership of the chairman, BILL FORD, of the Subcommittee on Postsecondary Education and of its ranking minority member, Congressman JOHN BUCHANAN.

These gentlemen, along with their dedicated staffs, have invested 2 years of work in producing one of the most balanced and forward-looking pieces of legislation we have ever had in the area of postsecondary education.

Since all the members of the Subcommittee on Postsecondary Education worked so hard on this bill, it is only appropriate that we acknowledge their accomplishments at this time. In addition to BILL FORD and JOHN BUCHANAN, the following Members served with great distinction on that subcommittee: JOHN BRADEMANS, FRANK THOMPSON, JR., MARIO BIAGGI, PAUL SIMON, PETER PEYSER, JOSEPH GAYDOS, AUSTIN MURPHY, TED WEISS, WILLIAM RATCHFORD, JAMES JEF-

FORDS, MICKY EDWARDS, THOMAS TAUKE, THOMAS PETRI, and JOHN ASHBROOK.

I am very pleased that the Senate-House conference committee was able to reach agreement on all of the difficult issues facing us during the course of our long hours of deliberation. But during these sessions, Mr. Speaker, I was constantly aware of, and saddened by, the absence of our longstanding counsel for higher education—Bill Gaul.

Bill worked for the committee for well over 17 years and developed extraordinary expertise in a wide number of areas—most particularly in the area of postsecondary education. I missed him dearly during our conference proceedings, and I know many of my fellow conferees felt likewise. As a tribute to him and his unique ability, the statement of the managers in this conference report contains a dedication to his fine work over the years and to his memory.

Because I know that BILL FORD and JOHN BUCHANAN will describe in great detail the many provisions of this conference report, I would like to only briefly touch on the highlights.

#### GRANTS

The keystone of Federal aid in the area of higher education involves the provisions of Federal student financial aid and the most essential ingredient of that assistance is the basic educational opportunity grant program.

I am very pleased to report to the House that the conference report before us today extends these grants through fiscal year 1985, and increases the grant limits over that period of time in order to provide for a more equitable payment to meet the rapidly increasing costs of higher education.

Beginning in fiscal year 1980, basic grants will be available to pay to the neediest student 50 percent of their costs of education, with a maximum grant of \$1,900. This grant will increase by fiscal year 1985 to a maximum of 70 percent of the cost of education, with the dollar limit of \$2,600.

These grants have very appropriately been renamed the "Pell Grants" by this conference report. The Senator from Rhode Island was the initiator of this concept back in 1972, and his steadfast support of these grants over the years has insured their being the most essential ingredient today in Federal student aid. Consequently, the conference committee readily adopted a provision renaming these grants in his honor as a tribute to his leadership over the years.

In addition to the strengthening of the "Pell Grants," the conference report also extends and increases the supplemental educational opportunity grants, and the assistance which is available under the TRIO programs for the disadvantaged. These programs are of vital importance to the poor of this country in their efforts to achieve a college education.

#### LOANS

The conference report also extends through fiscal year 1985 the second major ingredient of Federal student aid—namely, the Federal student loan programs. Both the guaranteed student loan program and the national direct student loan program are also exten-

sively revised in order to more appropriately meet the needs of students seeking a higher education in today's world.

The guaranteed student loan program is modified by increasing the amounts which students can borrow, thereby acknowledging the rapidly increasing costs of a higher education. In addition, the interest rate for the guaranteed student loan program is increased from 7 to 8 percent.

I, as well as many other conferees, fought a long hard battle against increasing this interest rate on guaranteed loans. We lost out because the Senate was insistent on a higher interest rate. We were fortunate, however, in resisting demands to go to a 9 percent interest rate, as advocated by the Senate. Instead, we compromised at the 8-percent level which is in the report.

I myself believe that a root cause of today's economic problems in the country is the unconscionably high level of interest being charged for use of money. I strongly feel that until we make money available at more reasonable rates of interest, our economy will never recover from its present difficulties.

Consequently, I had a great deal of difficulty in accepting this higher interest rate, especially in light of the fact that we will be discouraging citizens from pursuing further education because they will have to pay more money for this training.

This seems to me to be just the opposite of what we should be doing if we want our country to grow and to prosper. However, regrettably, the essence of a conference committee is compromise and in order to secure agreement on this bill, we had to accept this somewhat higher interest rate.

I am pleased though that the conference committee rejected the so-called Metzenbaum amendment from the bill. This Senate amendment would have imposed a needs test for students borrowing from the guaranteed student loan program, and it would have required certain students to repay the interest which had been deferred on their loans while they attended school.

While many conferees felt attracted to the principles espoused by the amendment, prior experience with a needs test in 1972 has shown us that the introduction of such a device would serve to destroy the guaranteed student loan program. As it is, a delicate balance exists in trying to maintain certain Federal standards while also trying to encourage banks to make these loans which are sometimes inconvenient and cumbersome to them. A complexity such as a needs test would have destroyed that balance and severely hampered the program.

Similarly, the imposition of a requirement for the payback of interest deferred while attending school would have brought undue complexity to the program and would have further discouraged banks and students from participating.

Instead of adopting this amendment, a study has been ordered to be completed within 1 year on ways in which the principles of the Metzenbaum amendment

could be implemented without these deleterious effects.

As regards the national student loan program, the conference committee faced a situation concerning interest rates in that program similar to the problems faced with the guaranteed student loan program. The national direct loan program has been extended by the conference through 1985. However, the Senate sought to increase the interest rate for this program all the way up to 7 percent from the current 3 percent. We had to fight hard in order to retain a reasonable compromise, and I am very pleased to report that the interest rate for this program was increased only moderately to 4 percent.

I myself would have preferred to remain at 3 percent for the reasons I mentioned earlier. But given the fact that the Senate's bill had a 7-percent interest rate and that the Senate conferees were pushing hard for cost savings, I feel that we were fortunate in securing a 4-percent interest rate for this program.

In my opinion, the national direct student loan program is one of the finest investments which the Federal Government has ever made in the area of education. The availability of these loans has enabled thousands and thousands of citizens over the years to attend institutions of higher education, and I am gratified that the conference report extends this program essentially unchanged.

The only major modification made by the conference report was the adoption of an optional funding technique which was proposed by the Senate. This technique would permit the Secretary of Education to issue bonds in order to raise revenue to provide the same amount of loan capital on college campuses as is presently being provided through the institution's revolving funds and through annual Federal capital contributions.

The Senate had originally proposed that this alternative financing be made mandatory and that the entire national direct student loan program be operated by a new Federal association which would operate apart from the Department of Education. The conference rejected both the creation of the associa-

tion and the mandatory nature of this revenue bond funding.

However, again in the spirit of compromise and in order to reach an accord, we did accept the idea of this type of funding as an alternative funding device available to the Secretary of Education.

I myself would hope that the situation would never arise where the Secretary of Education would feel the need to turn to this alternative funding technique. The program has served us well over the years as it is presently constituted, and I would hope that we would not jeopardize the benefits of the program through experimenting with this untried revenue raising procedure.

I am also pleased to report that the conference agreement continues the cancellation provisions for these Federal loan programs. These cancellation provisions only cost the Federal Government about \$14 million annually, but they provide the incentive for many hundreds of students to enter the teaching profession in disadvantaged areas and in the education of the handicapped.

#### MISCELLANEOUS

In general, the conference report extends all of the other expiring Federal programs aiding higher education through fiscal year 1985. I am particularly pleased by the extension of the college library programs. Those programs have provided much needed assistance to institutions that are financially strapped in trying to bring adequate library resources to their campuses.

I am also happy to report that the cooperative education program has been extended and that its present focus remains unchanged. The Senate had sought to permit the Federal Administrators to shift funds in that program toward large demonstration programs at major universities. The adoption of that amendment would have been very harmful to small institutions which rely on these Federal grants for their basic cooperative programs. I am pleased that the conference report retains that approach.

Lastly, I would like to note that the conference report substantially reduces authorizations for these higher education programs from those contained in the House-passed version of H.R. 5192.

As a general principle, the conference report reduces the House figures, by taking 60 percent of the difference between the two bodies. As an example of the real savings in authorization levels which have been accomplished by this action, the conference report reduced college library programs (title II) authorizations from \$140 million in fiscal year 1981 to \$30 million. Subsequent year authorizations reflect similar reductions for these programs. I myself do not agree with these reductions for the library programs, but the House conferees had to take this action because of the Senate's insistence.

Annual Teacher Corps authorizations amounted to \$100 million in the House-passed bill; in the conference report that figure is reduced to \$45 million for fiscal year 1981, rising to \$85 million in fiscal year 1985.

Lastly, \$300 million was recommended annually by the House-passed bill for grants for the construction and renovation of undergraduate higher education facilities. The conference report reduced that figure to \$140 million for fiscal year 1981, going up to \$155 million for fiscal year 1985.

#### CONCLUSION

In summary, Mr. Speaker, I believe we are bringing before the House a well-balanced piece of legislation which will permit the Federal Government to assist millions of our citizens during the first half of this decade to attend institutions of higher education.

The results of this education will certainly be of benefit to all of us, and I believe that the investment of these tax dollars contained in this bill will be returned to our country's benefit many times over, not only in terms of earned taxes returned to the U.S. Treasury, but also and more importantly, in terms of potential creativity and imagination which will be the result of the increased academic endeavor and education benefits made available to our citizens who, without the help and assistance contained in the program of this legislation, would not be able to attend college at all.

Mr. Speaker, I believe this conference report can be supported by every Member of this body.

#### H.R. 5192—EDUCATION AMENDMENTS OF 1980: CONFERENCE AGREEMENT

Title/Item	Fiscal year—				
	1981	1982	1983	1984	1985
<b>I. Education outreach:</b>					
A. Commission of National Development in Postsecondary Education.....	\$3,000,000				
B. State planning and continuing education.....	20,000,000	\$40,000,000	\$60,000,000	\$80,000,000	\$100,000,000
<b>II. College libraries:</b>					
A. College library resources.....	10,000,000	30,000,000	30,000,000	30,000,000	35,000,000
B. Library training, research, and development.....	10,000,000	30,000,000	30,000,000	30,000,000	35,000,000
C. Strengthening research library resources.....	10,000,000	15,000,000	15,000,000	15,000,000	15,000,000
D. National periodical system.....	750,000	750,000	Such sums	Such sums	Such sums
<b>III. Institutional aid:</b>					
(Both part A, Strengthening Institutions; and part B, Aid to Institutions with Special Needs).....	160,000,000	185,000,000	210,000,000	245,000,000	280,000,000
C. Challenge grants.....		25,000,000	35,000,000	45,000,000	50,000,000
<b>IV. Student aid:</b>					
Basid educational opportunity grants.....	Such sums				
Supplemental educational opportunity grants:					
Initial year.....	400,000,000	400,000,000	400,000,000	400,000,000	400,000,000
Continuing year.....	Such sums				
State student incentive grants (initial and continuing grants).....	100,000,000	100,000,000	150,000,000	200,000,000	250,000,000
College work-study program.....	670,000,000	720,000,000	760,000,000	800,000,000	830,000,000
National direct loan program.....	400,000,000	400,000,000	475,000,000	550,000,000	625,000,000
Student Aid Commission.....	10,000,000				
TRIO (special services for disadvantaged).....	400,000,000	Such sums	Such sums	Such sums	Such sums
Migrant students.....	9,600,000	12,000,000	14,000,000	16,000,000	18,000,000
<b>V. Teacher training programs:</b>					
A. Teachers Corp.....	45,000,000	70,000,000	75,000,000	80,000,000	85,000,000
B. Teacher training.....	20,000,000	50,000,000	55,000,000	55,000,000	55,000,000
C. Teachers of handicapped.....	2,000,000	3,000,000	5,000,000	5,000,000	5,000,000

H.R. 5192—EDUCATION AMENDMENTS OF 1980: CONFERENCE AGREEMENT

Title/Item	Fiscal year—				
	1981	1982	1983	1984	1985
VI. International education:					
A. International and foreign language studies.....	45,000,000	55,000,000	70,000,000	80,000,000	85,000,000
B. Business and international education program.....	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000
Sec. 605 (amendment to part N, ESEA III, International Understanding).....	5,250,000	6,750,000	8,250,000	9,000,000	9,000,000
VII. Construction, reconstruction, and renovation of academic facilities:					
A. Grants for undergraduate facilities.....	140,000,000	140,000,000	145,000,000	150,000,000	155,000,000
B. Grants for graduate facilities.....	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000
C. Loans for academic facilities.....	110,000,000	110,000,000	110,000,000	110,000,000	110,000,000
VIII. Cooperative education:					
Sec. 802—Grants.....	30,000,000	30,000,000	30,000,000	30,000,000	30,000,000
Sec. 803—Research and demonstration.....	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
IX. Graduate programs:					
A. Grants to institutions.....	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000
B. Graduate fellowships.....	60,000,000	60,000,000	Such sums	Such sums	Such sums
C. National graduate fellows program.....	Such sums	Such sums	Such sums	Such sums	Such sums
D. Training in legal profession.....	5,000,000	5,000,000	7,500,000	7,500,000	10,000,000
E. Law school clinical experience.....	5,000,000	8,000,000	8,000,000	9,000,000	10,000,000
X. Fund for improvement of postsecondary education.....	20,000,000	45,000,000	45,000,000	50,000,000	50,000,000
XI. Urban grant university program.....	15,000,000	40,000,000	50,000,000	55,000,000	65,000,000
XII. General provisions: Territorial grant assistance.....	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
XIII. Women's worksite development demonstration program.....	7,500,000	7,500,000	7,500,000	7,500,000	7,500,000
XIV. Part B, National Institute of Education.....	125,000,000	145,000,000	165,000,000	190,000,000	215,000,000
Part H(1) Robert A. Taft Institute.....	750,000	750,000	750,000	750,000	750,000
Part A, General Education Provisions.....	2,500,000				
Science education minority science education.....	5,000,000				
Part H(3) William L. Dawson Chair of Public Affairs.....	750,000				
Part D, Native Hawaiian Education Study.....	500,000				
Part H(2), General Daniel James Memorial Health Education Center.....	6,000,000				
Part F, Navajo Community College program.....	Such sums	Such sums	Such sums	Such sums	Such sums
Part E, Refugee Children Impact Aid.....	Such sums	Such sums	Such sums	Such sums	Such sums
Total.....	2,998,100,000	2,878,250,000	3,105,000,000	3,394,250,000	3,674,750,000
Grand total.....			\$16,050,350,000		

1 Available through Dec. 31, 1983.

Mr. Speaker, I would like to ask the distinguished chairman of the subcommittee, the gentleman from Michigan (Mr. Ford), a couple of questions.

I would like to correct an error which was made in the statement of the managers. This error concerns the effective date for a provision reducing the special allowance in the guaranteed student loan program.

Section 420 of the conference report amends section 438 of the Higher Education Act in order to modify the special allowance. However, the effective date for this modification in the conference report states that it "shall not apply to loans which were made or insured prior to October 1, 1980."

The statement of the managers in item 94 states this effective date differently. If I may quote from the statement of the managers.

The House recedes with an amendment that the revised special allowance shall apply only to loans made or purchased from proceeds of tax exempt bonds issued after October 1, 1980.

For the sake of legislative history, I would like to make clear that the provision in the conference report controls and that the description in the statement of the managers is incorrect. The description in the statement of the managers should say that this modification of the special allowance shall not apply to loans which were made or insured prior to October 1, 1980.

If I might, I would like to ask the floor manager of this conference report who is the chairman of the Subcommittee on Postsecondary Education whether he agrees with this interpretation.

Mr. Ford, I agree with Chairman Perkins' description of the facts. The statement of the managers is not correct, and the conference report controls.

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

□ 1110

Mr. Speaker, I rise in support of the conference report to H.R. 5192, Educa-

tion Amendments of 1980. This conference report represents the interests and concerns of House Members as reflected in their overwhelming passage on November 7, 1979 of H.R. 5192 by a 385 to 15 vote in spite of the opposition to the bill by the administration.

We come before you with a conference report that has been trimmed in the size of its authorization to meet the concerns of the administration and the other body, but one that comprises a substantial new commitment to post-secondary education and to student assistance programs. We come before you today with a conference report that has the administration's support. I hope their support does not cost us too many votes.

Before relating the contents of the conference report, I would like to take this opportunity to compliment the chairman of the Education and Labor Committee, Mr. Perkins, the ranking Republican on the committee, Mr. Ashbrook, and other conferees for their outstanding work during this conference. In particular, I would like to commend the distinguished chairman of the Subcommittee on Postsecondary Education, Mr. Ford, for his outstanding leadership during the past 2 years in reauthorizing the Higher Education Act. The excellent conference report before us today can be largely attributed to Mr. Ford's thorough preparation and knowledgeable guidance throughout the reauthorization process. From the time almost 2 years ago when he urged the postsecondary community to make recommendations to him in writing until the last signature was placed on the conference report, his leadership has been an example that other legislators ought to emulate.

Mr. Speaker, I would say that Bill Ford has stood as tall as a man can stand and has done as much as one man can do to make certain that in this country we make the most of our most precious resources, our human resources, to make certain that every American who desires a postsecondary education shall have that

education, and to make sure that every family that has the dream, the great American dream of sending a child to college, shall have that dream fulfilled.

I will say to every person involved in education in the United States that when Bill Ford enters the room they ought to stand up and cheer. Mr. Ford has done a magnificent job of leadership. We started out with no bill. We started out with letters he wrote to all of the interested groups seeking their counsel on what was right about existing programs and what needed to be changed. Then the staff compiled the responses and we held hearings based on those responses. Bill Ford then caused panels to be formed to talk about the differences and to iron out the problems. We saw throughout the process statesmanship on the part of many individuals and entities in the postsecondary education community as they themselves helped to resolve the problems and work out a consensus and bipartisan bill.

Last November, this body gave a mandate to the House conferees to stand firm on the positions taken by the House regarding Federal postsecondary education programs. I firmly believe that the report presented to the House today represents the best interests of the members of the House of Representatives and reflects those concerns expressed during the debate on the Higher Education Act here in the House. Despite the overwhelming support of H.R. 5192 last fall, some members were concerned that the cost of the reauthorized programs was too great. Since last November budgetary concerns have come to the floor in Congress and pressure has been increasingly placed on reducing the costs of Federal programs. The Senate bill reflected these increased budgetary concerns and the conference report moves in the direction of the Senate bill. Almost without exception, the final authorization levels for the programs in this bill are closer to the lower Senate figures, thus lowering the yearly authorized costs by over \$1 billion per

year when compared to the House reported bill.

In spite of these reductions from the House bill, I can confidently say that this conference report expands the student assistance programs tremendously and, as in 1978 with the Middle-Income Student Assistance Act, heralds a new era for Federal support of access and choice in postsecondary education. We have kept our commitment made with the passage of MISAA to the middle-income taxpayer, and, most importantly, insured that the low-income student will be provided sufficient financial support to allow him or her to make the best of their mind and abilities. I am firmly convinced that an investment in the future of our young people is the single best investment for insuring that America will remain strong in the decades ahead.

As in current law, over 90 percent of the authorized program moneys are in the student financial assistance title (title IV). The conferees feel that the best way to provide educational opportunity to postsecondary students is to provide them the financial means to select the types of programs and institutions that will best supply their educational needs. One of the most difficult issues during the past 2 years was how to resolve the debate between the independent and the public sector regarding the basic educational opportunity grant program (BEOG). In an effort to increase the percentage of costs that could be covered by a BEOG, we made sure that in increasing that percentage the independent institutions would be protected by increasing our support of those programs that particularly are beneficial to students attending independent institutions.

At this point I would like to commend the various postsecondary education interest groups for the manner in which they dealt with the issue of the BEOG "half-cost" compromise. At the urging of the distinguished chairman from Michigan (Mr. Ford) the various interest groups worked cooperatively in drafting a compromise that was fair to all sectors of postsecondary education. Without this cooperation, our job would have been more difficult and the cleavages left by large scale disagreements in the grant area would be disastrous for support of Federal student aid programs in the coming years.

The conferees agreed to a half-cost compromise which set the fiscal year 1981 maximum BEOG at \$1,900 covering 50 percent of a student's cost, with a minimum SEOG funding level of \$40 million. By 1985, we authorize a maximum BEOG of \$2,600 covering 70 percent of costs with a \$480 million SEOG. The issue of how to deal with the thresholds for the BEOG program was a difficult one. The compromise finally struck would allow a basic grant to be funded up to \$1,800 in fiscal year 1981 before SEOG funding of \$400 million is mandated. The SEOG thresholds are then increased in proportion to the increases in future years of the BEOG maximum.

The most difficult issue to deal with in conference was the structure and fi-

ancing of the national direct student loan program. The Senate sought to establish a totally new, off-budget national Direct Student Loan Association which would centralize the basic loan program and shift the loan volume from the current private sector to a Government-run program. The House last year very carefully studied this proposal and rejected it overwhelmingly. We wanted to retain the current NDSL program which requires direct appropriations and decentralization at the capital level, and at the same time emphasize the use of private capital in the guaranteed student loan program, GSL. The compromise presented today in the conference report is as follows:

The national direct student loans, NDSL, program is reauthorized to operate essentially as under current law. The interest rate is raised from 3 to 4 percent, and the option is added for the Secretary of Education to finance loans under the NDSL program through borrowings from the Federal Financing Bank as well as appropriations from the Congress and loan repayments. Centralization of NDSL program operations could occur at some point in the future, but only if sufficient loan capital is available from Federal sources to completely replace the total loan capital available from all the NDSL revolving funds.

The guaranteed student loan (GSL) program also is reauthorized to operate essentially as under current law. The interest rate is maintained at 7 percent for new borrowers. The provisions placed in the Senate version of the bill by Senator HOWARD METZENBAUM, which would add interest accrued during the in-school period to the repayment burden of many student borrowers, are not included in the conference report.

A new parent loan program is authorized to be established, with an interest rate of 8 percent for parents who choose to begin repayment within 60 days after origination of the loans, and 11 percent for those who choose to defer repayment.

Although the bulk of the Federal support of postsecondary education is through student assistance, the conference report reflects significant changes in many of the other institutional assistance programs. The educational Outreach (title I) program reflects the objective of both Houses in coordinating those programs of postsecondary planning, education information, and continuing education into one title so that we can maximize the Federal effort in insuring that all persons who want to attend college have the opportunity to do so.

Title II of the bill, the college and research library assistance and library training and research programs, reflects the conferees desire to expand support for college library programs while at the same time recognizing the potential for economies of scale in some type of centralized lending program. The conference document authorizes a study of the feasibility and advisability of establishing a national periodical system and, if found feasible and advisable, authorizes the preparation of a design for such a program.

Continued assistance to institutions of

higher education is provided through title III. Conferees agreed to creating two parts to this institutional aid title which further focuses assistance to those institutions with special needs. Inclusion of the challenge grant program under title III promises to provide incentives to institutions to match Federal dollars with public or private funds to further strengthen their self-sufficiency.

Title V, teacher corp and teacher training programs, reflects the desire of both bodies to coordinate the existing teacher training programs that are scattered throughout the Federal bureaucracy.

The conference report section relating to title VI, international education programs, includes a Senate provision to encourage and support the education of business leaders in the cultural and language characteristics of foreign countries. The addition of this vital new program will hopefully assist the United States to be more competitive in the world market for goods and services. As a member of the Foreign Affairs Committee, I am convinced that our understanding of the world economy and our balance-of-payments status can be much improved by programs such as this. Title VII, construction, reconstruction and renovation of academic facilities and title VIII, cooperative education, are not drastically changed from the current law or the House-passed position.

The conference on title IX, graduate programs, provided a unique opportunity to establish a better program than was in either the House or the Senate bill. The conference substitute provides for a program of campus-based grant awards to graduate and professional students based on financial need. The substitute also provides for the maintenance of the level of awards (including institutional allowances) for the current public service, mining, and graduate and professional opportunity fellowship programs. I feel very strongly that this new program of graduate assistance and the coordination provided by consolidating some of the existing programs is a great step forward in Federal support of the vitally needed graduate programs in this country.

The creation of a new title XI, the urban grant university program is, in my opinion, a significant step toward beginning to bring universities and local governments into cooperative efforts to solve problems that plague our urban centers. The urban grant university program was a provision found in both the House and Senate proposals, in a form that showed very little difference. The absence of controversy in this program, I believe, is an indication of the overwhelming support for the establishment of this new and vitally needed program.

As ranking minority member on the Subcommittee on Postsecondary Education, I traveled to several cities across the country in addition to hearings here in Washington, observing and listening to witnesses describe the need for a program that would provide incentive for universities and local governments to join hands and minds in attempting to alleviate the problems which plague the cities today. I am convinced that there

is an underutilized reservoir of skills, talents, and knowledge in our urban universities that must be applied.

The Secretary of Education is authorized to make grants to urban universities to pay the Federal share of the costs for carrying out projects consistent with the purposes of title XI. Applications for such assistance must show that the local agency or agencies of general government within whose jurisdiction fall the needs to be addressed have been afforded a reasonable opportunity to review and comment upon the proposed projects. The Secretary is also required to achieve broad and equitable geographical distribution throughout the Nation. In the event that there is no urban area in a State with a standard metropolitan statistical area (SMSA) having a population of 500,000, the Secretary may designate an urban area for the purposes of this title. Authorization for each of the fiscal years 1981 through 1985 are \$15 million/\$25 million/\$42 million/\$50 million/\$65 million.

The general provisions of the conference report reflect the desire of both the House and Senate to provide maximum flexibility to the States in doing their postsecondary planning. The conference document deletes the requirement for the establishment of a 1202 planning commission and instead provides that existing commissions, agencies, or other entities doing postsecondary planning in a State can be used to satisfy the requirements of postsecondary planning established by the Higher Education Act. At the same time, the conference report insures the representation of all interested parties, including students and representatives of institutions of higher education in the planning process.

One of the Senate provisions adopted by the conferees was the authorization of \$600 million for fiscal year 1981 for a grant to establish the General Daniel James Memorial Health Education Center to be located in Tuskegee Institute in Tuskegee, Ala. As a representative from the State of Alabama and as an admirer of Chappy James, I am extremely pleased that the conferees decided to include this very important tribute to an outstanding American.

I am pleased that the House accepted the Senate proposal to establish a new title XIII which would provide for women's worksite demonstration programs. Authorized at the modest level of \$7.5 million for each of the fiscal years title XIII would provide grants to institutions of higher education, either by themselves, or in contract with nonprofit community-based organizations, employers, and labor organizations to identify the most effective means to inform women of relevant postsecondary education opportunities.

Women make up 52 percent of the population, yet as a group, hold a much less significant percent of the meaningful jobs in this country. Title XIII provides a needed avenue whereby women will be able to learn more of employment and postsecondary education options available to them to enhance their productivity and fulfillment in life.

In closing, I would like to again urge

my colleagues to pass this conference report overwhelmingly, and hopefully unanimously, to indicate to the Nation Congress deep support for the young people of this country. This bill represents a giant step forward in insuring educational opportunity and expanding the horizons of young people for years to come.

Mr. Speaker, I now yield such time as he may consume to a distinguished member of our committee, the Honorable JOHN ASHBROOK of Ohio.

Mr. ASHBROOK. Mr. Speaker, I rise in support of the conference report to H.R. 5192 and strongly urge its adoption. I believe that the report presented to the House today is one which can be supported by Republicans and Democrats, conservatives and liberals, and those concerned with protecting the various interests of both public and independent postsecondary education.

The spirit and consensus on the part of the conferees, in particular the unanimity with which the House conferees held their position, reflects, in large part, the outstanding leadership of the chairman of the Postsecondary Education Subcommittee, the gentleman from Michigan (Mr. FORD). Through his efforts and that of Chairman PERKINS and the ranking Republican of the subcommittee, the gentleman from Alabama (Mr. BUCHANAN), the document before us today is an outstanding example of consensus, conciliation, and compromise. The spirit of the conference and the desire to insure the protection of the best interests of those who are the ultimate consumers of education, the students, is laudable.

As in any conference, each side had to give a little bit on the positions taken by the respective congressional bodies. Several general observations can be made though about the final decisions made on the provisions in this agreement. First, the strong commitment made to middle-income families in the Middle-Income Student Assistance Act of 1978 was solidified in H.R. 5192. As the tax-paying group which is unfortunately overlooked in many of our Federal programs, the middle income group bears the heaviest burden both in terms of taxes paid and tuition paid from their own resources. The Education Amendments of 1980 continues the BEOG grant to the middle-income student and retains the important provision that allows a subsidized guaranteed student loan for any individual, no matter what his or her family income.

The second general observation that can be made is that the conference report reflects the desire of both the House and Senate to consolidate existing programs which need to be better coordinated and eliminate those programs which are no longer necessary. Title I, the education outreach title, reflects the desire of the conferees to place in one title education information, comprehensive planning, and continuing education outreach. The combination of these activities in one title will undoubtedly foster a more effective Outreach program and ultimately result in more students attending postsecondary classes.

The third general observation to be

made is that the Federal Government's involvement in the activities of the State and the postsecondary education institutions has been minimized in this bill. For example, no longer will the Higher Education Act require that a specific postsecondary planning commission be established to do comprehensive planning in a State. Existing commissions or other entities would be sufficient to meet the requirements of this bill. The conferees were also very specific about the prohibition against the Federal Government being involved in the tuition refund policies of the institution. In an affirmation of self-regulation, the conferees applauded the efforts of the higher education associations in establishing their own tuition refund policy guidelines and a subsequent acceptance of those guidelines by the Department of Education.

A fourth observation that can be made about H.R. 5192 is that it simplifies the maze of Federal bureaucracy and paperwork that a student must go through in order to obtain Federal financial assistance. The requirement to have a single comment form and a single needs analysis will ease the burden of a student in applying for Federal aid. Study after study has shown that barriers to postsecondary education are primarily financial, but that many students are frustrated by the process of obtaining financial aid or if they do not know of the existence of the aid in the first place. This bill would greatly enhance the probability of receiving student aid in order to pay for one's education.

The final general observation I would make about the bill before us today is that it properly balances the interests of both the independent and the public sector of postsecondary education. With declining enrollments projected for the coming decade, it is essential that we insure the viability of the independent sector so that our national postsecondary education resource is fully diversified.

I want to take this opportunity to thank the chairman of the Postsecondary Education Subcommittee, Mr. FORD, for holding a hearing in my State of Ohio regarding the issue of the problems of private colleges. As many of you may know, Ohio has a valuable resource in its many small, independent colleges and, as is true throughout the country, they are concerned with what the future may hold for them during a period of declining enrollments. The current concerns expressed at that hearing, I believe, are provided for in the conference report we consider here today.

One of the most difficult issues with which the conference dealt was the increase in the basic grant maximum, the increase in the percentage of costs which could be covered by a basic grant and the thresholds which are tied to the basic grant appropriations to insure adequate funding of other programs such as the supplemental grant program, college work study program, and the national direct student loan program. By tying the increases in the threshold for the supplemental educational opportunity grant program with the increases in the percentage of costs covered by a BEOG and the increases in the BEOG maxi-

mum, I believe that the compromise protects the independent sector of higher education. As a strong believer in fiscal constraint, I hope it is with some credibility I inform the members of the Appropriations Committee that the reason for tying funding of the BEOG program with funding of the SEOG program is not to leverage increased appropriations in both programs. The purpose is to insure that the mix of Federal education assistance properly supports all sectors of education and provides a balance between work, loans, and grants.

The most controversial issue in the entire conference was whether to accept the Senate's new off-budget National Direct Student Loan Association. The centralization of the NDSL program in Washington was rejected by the conferees, and most of the current loan delivery and collection procedures now in current law were retained. The compromise agreement did provide that borrowing through revenue bonds instead of direct appropriations could be used for financing NDSLs if sufficient loan capital were made available through the borrowing. Interest rates in both the NDSL and the GSL program were increased to reflect the higher borrowing rates for commercial loans. The NDSL rate was increased from 3 percent to 4 percent and the GSL rate was increased from 7 percent to 8 percent. A new parent loan program was established and the interest rate was set at 11 percent except for those borrowers who began repayment within 60 days after making the loan.

As I noted earlier, the in-school interest subsidy which was established for borrowers from all income backgrounds in the Middle-Income Student Assistance Act was retained in H.R. 5192. The notorious Metzenbaum amendment to require repayment of the in-school interest subsidy was deleted by conferees, in spite of its strong support by members of the Senate Budget Committee because it was almost impossible to administer and would have been a retrenchment on the part of Congress from the position they took in 1978.

Members of Congress must realize that support for programs such as the Higher Education Act programs is only as strong as the base of its recipients. My colleague from Michigan (Mr. Ford) properly notes that the strong support for tuition tax credits is reflected by the number of its recipients and that an adoption of the Metzenbaum amendment would raise to new heights a cry for enactment of a postsecondary education tuition tax credit bill.

If I were to note one disappointment in the conference report before us today, it would be that it does not include a Senate provision that would require the Secretary of Education to make a comprehensive study of programs authorized by the Elementary and Secondary Education Act, the Vocational Educational Act and the Education of the Handicapped Act in order to analyze if there are any duplications, conflicts, and unnecessary reporting requirements contained

in those laws or regulations. This provision would have authorized the Secretary to enter into agreement with not less than 4 and no more than 10 States for the conduct of study projects. Unfortunately the conferees decided to only retain a minor study of the issue of duplication in education programs. As the author of H.R. 7882, the Education Improvement Act of 1980, I believe that it is necessary to immediately review all educational programs and where they are duplicated or unnecessary they should be changed or eliminated. We took a step in that direction with H.R. 5192. I hope that we will continue to look at those programs and that with the reauthorization of the Elementary and Secondary Education Act several years from now we will consolidate many of those existing programs.

To my cost-conscious colleagues on the Republican side of the aisle, you should be aware that the conference report before us today costs approximately \$1 billion less per year than H.R. 5192 as passed last year by a vote of 385 to 15. Where there were differences in the authorizations between the House and Senate bills, the lower authorization figure was adopted.

In summary, I urge my colleagues to support me and the conferees in passing the conference report to H.R. 5192. It is a document that I am proud to be a part of, and I believe your support of it will be justified in the coming years.

Mr. BUCHANAN. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I think before we go any further in acknowledging the work that was done and the contribution made by so many different Members of Congress in arriving at this conference document, I would have to say a personal and special word of commendation for the committee staff on both sides of the aisle. Both the majority and minority staff have done excellent work on this bill. Their names may not appear as cosponsors, but I would say the excellence of their work is literally reflected on every page of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. I thank the gentleman for yielding. I can only echo the remarks made by my colleague in commending the chairman of the subcommittee.

I also want to commend the ranking member of the subcommittee because I know the joint work that the two individuals did at the subcommittee level which made it so much easier for all of us to come forward with a bill which reflects the needs of higher education. I must say that the tremendous work that went on in the committee, led by the chairman of the full committee and our ranking member, as well as the two individuals I named, wherein literally we brought back a position very, very close to the House position, and I think an excellent job was done in that respect. This bill is a bipartisan effort which received overwhelming support when it passed

the House on November 7, 1979. The bill not only expands higher education opportunities for all students, but reduces bureaucratic redtape.

I also would like to join in commending the staff for their tremendous work. I have worked with many staff members, but I do not think I have ever seen any staff work as hard as the staff on both the minority and majority side. Their efforts, especially during the interim period in coming up with compromises and working out alternative language helped to make it possible to resolve some of the problems we faced.

One of our goals as we developed this legislation was to assist in the achievement of equal educational opportunity. We sought this goal by trying to reach a balance of support between all types of institutions of postsecondary education: urban rural; community colleges and 4-year degree-granting institutions; historically black institutions and developing institutions; and public and private colleges and universities. Balance was also sought through our efforts to provide access to all types of students: nontraditional, adult learners, the displaced homemaker, or the veterans, and the traditional high school graduate straight from school; full- and part-time students; minorities and disadvantaged; and dependent and independent students. I believe that with the compromises made during the conference on H.R. 5192, the Higher Education Amendments of 1980, the House did not compromise its basic goals, and that we did in fact remain firm in our goal of equal educational opportunity.

As a conferee, I was particularly concerned about the programs available to institutions in small and rural States, and about the access opportunities for students in such States. Critical to this concern is the ability to improve access for adults and nontraditional students whose educational needs have been inadequately served for reasons such as rural isolation. Under title I, continuing postsecondary education program and planning, it was necessary to assure that each State would receive sufficient funding to meet the needs of this population. Under this bill each State will receive a minimum of \$187,500 so that at least a basic program can be provided.

It is particularly important in small States that adequate funding be available for the administration and coordination of these programs. I would like to clarify a portion of the report, regarding title I funding, so that the intent is clearly understood by all, including those staff in the Department of Education. On page H 7752 of the conference report the following language appears:

Each state shall receive an allotment of funds available appropriations based 60 percent on relative state adult population and 40 percent on an equal basis, except that no state shall receive less than \$187,500 in any fiscal year.

It was also my understanding, and I would like to check this out with the chairman, that in the event an appropriation is not sufficient to provide the

minimum of \$187,500 for each State, that each State's allocation would be reduced on a pro rata basis and not switched back to the formula, as happened recently. This switch created havoc throughout the program. I wonder if this intent was also the understanding of the chairman of the subcommittee?

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman.

Mr. FORD of Michigan. I believe the gentleman states very accurately my understanding of what the conference agreed to.

Mr. JEFFORDS. I hope that understanding will be reflected, and I will try to see that it is included by the Senate. I hope the problem of reduced appropriations never has to be faced but if it is that it will not have to be resolved as it was before—with the passage of emergency legislation.

I thank the chairman for this clarification.

Additionally, I was able to have included language that allows 5 percent of the sums available or \$40,000, whichever is greater for the direct operation by the State of continuing education programs. It is essential to differentiate between those moneys competed for under these provisions and those moneys retained at the State level for program operation. This differentiation is necessary so that, for example in a State such as Vermont, the university, which houses the administrative offices for the continuing education programs over the State, would not be precluded from competing for funds through a different program in the university. In conference we were able to effect these requirements so that programs in rural States would not be penalized, and could operate to meet the needs of those students whose needs had been previously unserved.

Also critical to small States was the linkage between the BEOG and the SEOG and other campus-based assistance programs. BEOG's in excess of \$1,800 may not be paid unless SEOG, work study, NDSL and SSIG programs are appropriated at specified levels. This balance expands the possible institutions a student may attend and does not restrict access to only low-cost institutions that may not provide programs or desired career training. A decreasing hold harmless for SEOG programs also protects these programs from the vagaries of "fair share" formulas developed by the Department of Education, which would have, over the long run, severely limited this program in small and rural States. I am concerned that this commitment to small States be maintained, and I will carefully review the regulations developed in this area.

I also find it encouraging to note that the bill contains provision under title V, that teacher center grants be made on an equitable geographic basis, and that under title XI, States that do not have a standard metropolitan statistical area can still qualify for the urban university grant program by designation of the Sec-

retary. Each of these reflects a consideration of the special needs in rural States.

H.R. 5192 has the support of the entire higher education community and the administration. It received resounding support in the House and in the Senate. The conference provisions have resulted in a bill which reflects the priorities of the House, and strikes the balance for which we all worked so diligently. I strongly urge my colleagues to support this conference report in a manner similar to the support they gave to the bill as it passed the House in November.

Mr. BUCHANAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Speaker, I want briefly to compliment the Higher Education Subcommittee, both the majority and minority ranking members and leaders, Mr. FORD especially for his leadership in the last 2 years and in the Senate, Senator PELL, Senator JAVITS, and other Members. I think it was an excellent legislative support for our university and community colleges, postsecondary education programs throughout the United States.

I represent probably the largest student body in the Nation, about 86,000 students. I think with the community colleges and the universities, both public and private, this bill in the next 5 years in terms of its approximately \$35 billion, will go a long way in giving every American person, young person and older person who aspires to a postsecondary education.

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I would like to ask a question of the gentleman from Michigan (Mr. FORD). Before I do so I want to say that the preservation of academic freedom, I think, has been consistent throughout the thinking of all the members of the subcommittee. My question is pragmatic at this time, in point of the authorization bill and the Appropriations Subcommittee upon which I serve, dealing with Labor-HEW. What is the timetable now in terms of funding. The administration is now in agreement with Congress with regard to student funding, the various programs for scholarships, student tuition, work study, NDSL, the disadvantaged, basic opportunity grants—where does the gentleman see this in terms of funding this forthcoming 2 fiscal years 1980-81, 1981-82?

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. FORD of Michigan. Actually, this bill could be funded with supplementals in fiscal year 1981 but in reality we expect the bulk of the change in the bill will be funded in fiscal year 1982. We gave up earlier this year on being able to precede the appropriations process. We wanted to avoid the confusion that would happen if we would inject a change in the current school year so, as a matter of fact, people attending school this year will be attending on the basis of the

provisions of the Middle-Income Student Assistance Act as we extended that last year for 1 year.

Mr. PURSELL. So the gentleman suggests we will have an orderly transition this year through a continuing resolution and supplemental to finish this fiscal year in 1981, but the full comprehensive changes and improvements that the subcommittee has made will be translated in the budget of the President in the 1982 budget year.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PURSELL. Yes.

Mr. FORD of Michigan. A continuing resolution will not be necessary, because in August of 1979 we passed Public Law 96-49, which extended all the existing programs in this package for 1 additional year to keep us from being in a position of causing confusion in the event that we took as long as we have to reach this point. The appropriations process can go forward with the existing programs as they were modified by the Middle-Income Student Assistance Act through fiscal year 1981 without the need for a continuing resolution; and, in fact, supplemental appropriations would be appropriate. We may be coming to you to ask for those, particularly since yesterday we were not at all happy to see the cuts in the NDSL requests that our committee had made, but I am sure that, as has been the case in the past, the gentleman from Michigan and the other members of his committee will be sympathetic to our plea for a supplemental later in the year.

Mr. PURSELL. Mr. Speaker, I would like to thank the committee for its outstanding work. I fully support this conference report.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. PEYSER) be permitted to speak out of order.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, what is so important that we have to hear this out of order?

Mr. PEYSER. Mr. Speaker, if the gentleman will yield to me, this is a special statement we are making concerning the 300th day of captivity and an arrangement that has been made to deliver copies of the CONGRESSIONAL RECORD to the hostages.

Mr. ROUSSELOT. Does the gentleman refer to the hostages in Iran?

Mr. PEYSER. The gentleman is correct. Arrangements have been made to deliver copies of this RECORD to the hostages in Iran.

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

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

There was no objection.

THE 300TH DAY OF CAPTIVITY FOR AMERICAN HOSTAGES IN IRAN

Mr. PEYSER. Mr. Speaker, tomorrow, August 29, 1980, marks the 300th day of captivity for fellow Americans in Iran. It

has been said by some that we are downplaying this tragedy and the public is putting it out of its thoughts.

Mr. Speaker, nothing could be further from the truth. Certainly, among all of us in the House of Representatives, our thoughts and prayers continually go out to those 52 Americans still held hostage.

Mr. Speaker, I am now going to read for the RECORD the names of all those known to be held hostage at this time:

Thomas L. Ahern, William Belk, Robert Blucker, David Cooke, Donald T. Cortez, John Cross, William Daugherty, Lt. Cmdr. Bob Engleman, William Gallegos, Bruce German, John Graves, Joseph Hall, Joseph M. Hall.

Kevin Hermenting, Donald Hohman, Lee Holland, Michael Howland, Charles Jones, Malcolm Kalb, Moorhead Kennedy, Jr., William F. Keough, Steven W. Kirtley, Katherine Koob, Frederick Lee Kupke, Stephen Laaterback, Bruce L. Laing, Gary Lee, Paul E. Lewis.

John W. Limbert, Jimmy Lopez, Richard Metrinko, Jerry J. Miele, Michael Moeller, Bert Moore, Richard Morefield, Paul M. Needham, John D. Nickel, Robert Ode, Richard Owen, Jerry Plotkin.

David Roeder, Barry Rosen, Harry Rosen, Frank B. Schaeffer, Rodney Sickman, Joseph Subic, Elizabeth Ann Swift, Victor Tomseth, Phillips R. Ward, Westley Williams.

Mr. Speaker, I know if there were one message that all of us in the House of Representatives could send at this time, we would like these brave men and women to know that we here in Congress have not given up hope nor determination that they will soon be free and will be returned safely to their families and to their country.

Mr. Speaker, I have arranged for 52 copies of today's CONGRESSIONAL RECORD to be delivered to our Embassy in Iran so that each hostage might receive a copy so that they know they are certainly not forgotten by any of the Members of this House and that the whole country joins us in this wish for their freedom and safe return as soon as possible.

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

Mr. PEYSER. I will be happy to yield to my friend from Alabama.

Mr. BUCHANAN. Mr. Speaker, I commend the gentleman for this effort and would like to say it is well the Nation be regularly reminded of those courageous persons who not only represented us in Iran and who have suffered so long and so much for their country there, but there are others like them all over the world who serve in places of difficulty and danger as civilians, as employees of the Department of State and related agencies, who day by day do a service to our country that is worthy of commendation. I know all of them share the sentiments the gentleman has expressed for their colleagues in Iran.

Mr. PEYSER. I thank the gentleman for requesting this time.

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

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, and fellow colleagues, I rise in full and enthusiastic support of this conference report before us on H.R. 5192, a bill to reauthorize programs under the Higher Education Act for an additional 5 years, as well as other miscellaneous provisions. As a member of the conference committee which considered this legislation, as well as an original cosponsor of the bill, I am proud to say that I feel that we have constructed this important piece of legislation so that it is sensitive to the ever-changing needs of our postsecondary student body and institutions, as well as to the need to be cost-minded. In conference, the cost of this bill was reduced by approximately \$1 billion, a total savings of over \$5 billion from what this body approved last November.

I would like to pay tribute to the chairman of our Education and Labor Committee, Mr. PERKINS, and thank him for the cooperation he has shown us since we began consideration of this bill in September of 1978. His concern for and commitment to these programs has always been of the highest magnitude.

Most importantly, I want to express my deep admiration for the fine work which our subcommittee chairman, BILL FORD, has done in steering this complex piece of legislation through the House and through the conference. I know of no greater friend of students and institutions of higher education than BILL FORD. He has always been an advocate for their interests, in financial aid for middle-income students, for urban universities, for libraries, and for our disadvantaged, nontraditional student population. In these areas, and many more, we owe a debt of gratitude to BILL FORD for his ability to meld these interests together to produce a fine bill which I am proud to have my name upon. From the beginning to the end of this process, he has received nothing but high praise from everyone involved in this bill, our colleagues from both sides of the aisle as well as the entire educational community.

Hearings on this bill began on March 20, 1979, and testimony was received from all segments of the higher education community. A total of 33 hearings were held, including six field hearings, including one which I chaired in New York on the problems of the adult, nontraditional student. Our findings at that hearing formed the basis of many important legislative initiatives we took in H.R. 5192 which help to further eliminate barriers which these adults face in obtaining a postsecondary education. In all, we had 244 witnesses appear before our committee representing a broad array of concerned individuals, institutions and organizations. For the record, I wish to also note that of these 244 witnesses, 27 of them were students who are the direct beneficiaries of many of these programs.

As New York's ranking member of the House Education and Labor Committee, I wish to note my particular contributions to this bill which I feel will be of special benefit to New York students and the schools they attend:

A compromise proposal in conference

which assured that the distribution of supplemental grant funds would not penalize States which make a larger than average effort in providing aid to students through both State and institutional means;

I authored an amendment to provide for a study of the remaining barriers which adults face in seeking a postsecondary education which will be of great importance to us in the next reauthorization;

I included a provision in title I, entitled "Educational Outreach programs" to emphasize the needs of displaced homemakers in programs operated under this title;

A provision tying increases in appropriations for our supplemental grant programs to increases in funding for basic grants to assure balanced growth between these two programs and so that students who rely upon the supplemental grant program will not be penalized in their grant awards due to moneys available;

The incorporation of my bill, H.R. 3513 into title I which provides for the creation and maintenance of student financial aid data banks which will be instrumental in providing this kind of information to students through fast, efficient and effective means;

An acknowledgment by the conferees that the College for Human Services, which has a campus in New York City, is eligible for funds under title III, "Institutional Aid," even though it does not meet the eligibility criteria for developing institutions but does meet the intent of this title in its activities.

In sum, this bill, H.R. 5192, provides for balanced growth and development of our higher education programs. It is particularly sensitive to our audit, nontraditional student population which most often attends school on a part-time or less than halftime basis. We have included a provision that institutions may use up to 10 percent of their SEOG moneys for less-than-half time students as well as to provide SSIG awards to graduate and less than half-timers. It is my sincere hope that we can address this issue even further in the next set of amendments to this legislation.

Most importantly in this bill, we have not faltered on our commitment to our middle-income students established in the 1978 amendments. Since that time, we have been able to proudly point to the fact that some form of Federal financial aid is available to any eligible student who wishes to apply for it, regardless of income. We have maintained that provision in this legislation in our guaranteed loan program, raising the interest rate from 7 to 8 percent for new borrowers, and establishing a parent loan program which allows for parents to also take out these same loans in order to assist their children in paying for their college education. In addition, the total amount of money that can be borrowed under this program for undergraduates has been raised to \$12,500 and repayment schedules have been expanded in order to further reduce the default rate.

In conclusion, this bill offers an equitable approach in extending these programs for an additional 5 years. We not only have balanced increases in our grant

programs to help both low- and middle-income students at both public and private institutions, but have also expanded our loan and fellowship programs so that more students will be able to take advantage of these opportunities. I should not fail to mention the other important provisions of the bill which assist libraries, research universities, urban universities, international education, and language training as well as institutions which need aid in helping them get off the ground.

We have also included extensive language, authored by myself, and my colleagues Mr. MILLER of California and our distinguished majority whip, Mr. BRADENMAS, on the provisions extending the National Institute of Education. We included this specific language for several reasons. One reason was that we did not have the House bill in conference because the House did not have time to consider the bill before we went to conference. In the House bill I authored several provisions which would have expanded the activities of NIE to include greater and diverse numbers of individuals and organizations. These provisions also required NIE to provide data to Congress each year on the grant awards made by the Institute each year. The second reason for this extensive report language is that we truly feel that NIE, as the centerpiece of educational research in the new Department of Education should take appropriate steps to assure that its mission is consistent with the intent of Congress and its research activities will be of benefit to as many in the educational community as possible. With those two points in mind, I hope that we can look forward to close cooperation with NIE in the future so that our goals will always be directed toward similar ends.

Seldom in this body has anyone on our committee seen the kind of cooperation that has been a part of our deliberations on this bill. It is strongly supported by all segments of the higher education community as well as both the majority and the minority members of the Education and Labor Committee. I am proud to have been a part of this achievement. This conference report deserves the unqualified support of this body and I urge my colleagues to join me in approving this measure.

[From the Christian Science Monitor, Aug. 26, 1980]

OLDER, MINORITY STUDENTS WILL HELP FILL COLLEGE CLASSROOMS OF THE '80S  
(By Paul Van Slambrouck)

HOUSTON.—Will the halls of higher education in the United States echo with fewer footsteps in the 1980s?

The number of 18-year-olds begins falling this year, and that has been expected to trigger substantial declines sometime this decade in enrollment at the nation's colleges and universities.

However, early indications are that enrollments for the 1980-81 school year may equal or exceed 1979-80. And a recent study by the American Council on Education, a non-profit association, takes exception with the widely held view that enrollments will inevitably decrease sharply for the decade as a whole.

The study outlines a number of strategies for increasing the enrollment of adult men

and women, minorities, low-income youths, and foreign students. An influx of these students, it claims, could "easily" result in only a nominal decrease or even a small increase in the total US student population in the 1980s. These new students would offset the projected enrollment decline among the traditional 18-to-24-year-old population, the study asserts.

It is a controversial conclusion. Fred Crossland of the Ford Foundation reflects the counterview when he says expecting stable enrollments is "hoping for the best, but not planning for what is most likely."

Mr. Crossland forecasts a 15 to 18 percent decline in the college student population from the early 1980s to the early 1990s, and asserts that higher enrollment of nontraditional, older students can at best offset one-third of the decline in 18-year-olds.

For its part, the National Institute of Independent Colleges and Universities projects a steep 15 to 26 percent drop in enrollments nationally this decade.

For the 1980-81 school year, however, there is little dispute that the enrollment picture looks bright. A major contributor is the national economic recession, which is expected to result in more students from the ranks of the unemployed.

"Education is always countercyclical. When people are out of jobs, they see school as a way to upgrade their skills," says Judith Spich, a research economist with the American Council on Education. She notes that during the 1973-75 economic downturn enrollment at community colleges jumped 10 percent.

Regardless of the state of the economy, older students already are signing up for college classes in increasing numbers. A report published last month by the National Institute of Independent Colleges and Universities shows that between 1969 and 1979 the number of graduate, professional, nondegree, and part-time students increased 41 percent at private colleges and universities in the U.S. That compares with an 11 percent rise in undergraduate enrollment at those institutions.

While projections for enrollment this fall vary, many foresee an increase. The Department of Education's National Center for Education Statistics is forecasting 11.6 million undergraduate and graduate students this year, compared with 11.5 million last year.

A national survey conducted in June by the Chronicle of Higher Education found that applications for admission to freshman classes at colleges and universities were higher at four out of five institutions. "If actual enrollment this fall follows the trends indicated in applications and deposits received, the total number of students on American campuses could reach another record high," a summary of the survey states.

The long-term enrollment picture is likely to be one of contrast between various regions of the country, say experts on enrollment patterns. Dr. Virginia Fadil, executive director of the National Institute of Independent Colleges and Universities, expects enrollment declines to be most pronounced in the Northeast and Midwest, where, in her view, there are an excess number of colleges compared to the population.

In the West and Southwest, however, she sees potential growth in enrollment as schools profit from the continuing migration of people to those areas.

□ 1130

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Speaker, I too hail what appears to be the final step in this House of this landmark higher education legislation. I especially applaud

the efforts and results of the House conferees because, as a result of their diligence, they have kept student loan interest rates low. They have preserved access to the student loan process to the middle-income student. They have prevented the initiation of interest charged from the day of entering into an institution and kept it to a point where it now will be assessed from the time the student graduates from the institution. Finally, they have opened up this system to the parents of middle-income students.

As a person actively involved in title I, I would applaud the passage of the Lifelong Learning Act because it provides new access to institutions of higher education for the nontraditional student—to the factory worker, to the housewife returning to school after raising a family, to the person pursuing a career change in midlife, to the retiree going to school after working for a lifetime. In every respect, Mr. Speaker, I think the result of the adoption of this conference report will be to improve the quality of life in all institutions of higher education.

I applaud the result, and as a member of the conference committee, I am very proud to have participated in the process.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, adding any words of praise to our colleague from Michigan for what he has done is like carrying coals to Newcastle, but let me simply add that there is a really significant contribution to higher education here that he, in large measure, is responsible for. In my years of legislative work in the State Legislature of Illinois and here in Congress, I have never worked with a finer legislative craftsman than BILL FORD. I want to commend my colleagues on the other side also on this.

Let me add one significant aspect, that is in the area of international education. For the first time, we are not simply letting universities at whim go out and say, "We are going to have an African studies program or an Asian studies program."

But, we call for a coordinated look by all the agencies of Government; the Department of Defense, the State Department and others.

Let me give the Members an illustration of the need. I read just the day before yesterday that in the area of studies of Albania we have not had a student of Albania—either the language or the country—in the United States since 1972, when we had one student. Now, maybe Albania will never be a security area of great significance for this Nation, or an area of great economic consequence, but it might be, and we should fill vacuums like this. For the first time now we will have a coordinated program and ask, "What really are the needs of this country and how can the higher education community contribute to those needs?"

Again, I commend my colleagues on both sides of the aisle for, I think, a very solid product.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as I have remaining to

the gentleman from New York (Mr. Weiss).

Mr. WEISS. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, because of the constraints of time, I am going to make a fuller statement under the general leave provisions. I simply want to take this occasion to commend the distinguished chairman of the Postsecondary Education Subcommittee, the gentleman from Michigan (Mr. Ford), and the ranking minority member, the gentleman from Alabama (Mr. BUCHANAN), for the tremendous work they did, especially within the context of the very negative attitudes which have recently prevailed in this House. We have indeed seen some very, very grim days. Sometimes, we in this House seem to forget what our responsibilities are.

This piece of legislation, with overwhelming support coming from both sides of the aisle, demonstrates that this House and the other body are capable of doing tremendous work for all the people of this country. I am proud to have been able to play a part in that effort.

Mr. Speaker, I support the conference report on the Higher Education Act.

The reauthorization of the Higher Education Act builds upon existing, successful education programs and expands the various financial aid plans. The changes that have been made in the grant, loan, and work-study programs insure access for a student regardless of his or her income, to almost any university, college, or community college. A new parent loan program will be made available to those parents who encounter difficulty in meeting the expensive burden of tuition. And while at the same time preserving the loan programs, important changes have been made to reduce defaults, and make repayment easier and income sensitive.

Pursuing an education will be made easier for the new type of population currently entering college, the so-called nontraditional student who may be older, independent, and have family responsibilities. Eligibility for the financial aid programs will no longer be restricted to 4 years but guaranteed for the completion of a degree. For those who wish to attend part time, or even less than half time, eligibility for many of the financial aid programs will be newly provided. In determining for financial aid purposes the cost of an education, child care expenses will be deducted, a married student will be considered as independent, and able to use current year income information.

As a member of the Subcommittee on Postsecondary Education, and the conference committee, I was pleased to play an active role in the passage of this legislation, and adoption of a number of provisions I authored. One, a new program of grants to some of the 1,150 schools of education across the country, will facilitate their modernization of faculty and curriculum. This will enable these schools to develop joint programs with other local colleges, promote efficient planning, and redirect schools to train personnel for service in areas of short-

ages, including training of the handicapped, and work in conjunction with employment programs such as CETA, the Comprehensive Employment and Training Act.

The conferees also agreed to adopt an amendment which I offered to enable college work-study recipients to be placed in positions which complement their education program, or vocational goals. The New York City Urban Corps provided for the committee an outstanding example of the potential of the work-study program to enhance the education of the eligible student.

The House already demonstrated its overwhelming support for the bill last November when it passed by a vote of 357 to 15. This legislation has emerged intact from the conference committee. I want to applaud Mr. Ford and his staff for their remarkable efforts on behalf of all students and their families. As a member of the subcommittee, and conference committee, I am pleased to have participated in the reauthorization of what I consider to be an exemplary piece of legislation.

Mr. FORD of Michigan. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 373, nays 16, not voting 43, as follows:

[Roll No. 503]  
YEAS—373

Addabbo	Boggs	Collins, Ill.
Akaka	Boland	Conte
Albosta	Bolling	Corcoran
Alexander	Boner	Corman
Ambro	Bonior	Cotter
Anderson,	Bonker	Coughlin
Calif.	Bouquard	Courter
Anderson, Ill.	Brademas	D'Amours
Andrews, N.C.	Breaux	Daniel, Dan
Andrews,	Brinkley	Daniel, R. W.
N.Dak.	Brodhead	Danielson
Annunzio	Brooks	Daschle
Applegate	Broomfield	Davis, Mich.
Ashbrook	Brown, Calif.	Davis, S.C.
Ashley	Brown, Ohio	de la Garza
Aspin	Broyhill	Deckard
Atkinson	Buchanan	Dellums
Badham	Burgener	Derrick
Bafalis	Burlison	Derwinski
Bailey	Burton, John	Dickinson
Baldus	Burton, Phillip	Dicks
Barnard	Butler	Dinwiddie
Barnes	Byron	Dixon
Beard, R.I.	Campbell	Dornan
Beard, Tenn.	Carr	Downey
Belel	Carter	Drinan
Bellenson	Cavanaugh	Duncan, Oreg.
Bentamin	Cheney	Duncan, Tenn.
Bennett	Chisholm	Early
Bereuter	Clausen	Eckhardt
Bethune	Clay	Edgar
Bevill	Cleveland	Edwards, Ala.
Biaggi	Clinger	Edwards, Calif.
Eingham	Coleho	Edwards, Okla.
Blanchard	Coleman	Emery

English	Kramer	Richmond
Erdahl	LaFace	Rinaldo
Erlenborn	Lag marsino	Ritter
Ertel	Latta	Roberts
Evans, Del.	Leach, Iowa	Robinson
Evans, Ga.	Leath, Tex.	Rodino
Evans, Ind.	Lee	Rose
Fary	Lehman	Rosenthal
Fascell	Leland	Rosenkowski
Fazio	Lent	Royal
Ferraro	Levitas	Rover
Findley	Lewis	Rudd
Fish	Livingston	Russo
Fisher	Lloyd	Sabo
Fithian	Loeffler	Santini
Flippo	Long, La.	Satterfield
Florio	Long, Md.	Sawyer
Foley	Lott	Scheuer
Ford, Mich.	Lowry	Schroeder
Ford, Tenn.	Lujan	Schulze
Forsythe	Luken	Sebelius
Fountain	Lundine	Selberling
Fowler	Lunnen	Sensenbrenner
Frenzel	McClory	Sharp
Frost	McCloskey	She by
Fuqua	McCormack	Shumway
Garcia	McDade	Shuster
Gaydos	McKay	Simon
Gephardt	McKinney	Ske ton
Gialmo	Madigan	Smith, Iowa
Gibbons	Maguire	Smith, Nebr.
Gilman	Markey	Snowe
G'ntrich	Marks	Snyder
Ginn	Marlenee	Solarz
Gleeman	Marriott	Solomon
Goldwater	Martin	Spellman
Gonzalez	Matsui	Spence
Goodling	Mattox	Stack
Gore	Mavroules	Staggers
Gradison	Mazzoli	Stangeland
Gramm	Mica	Stanton
Grassley	Michel	Stark
Gray	Mikulski	Stenholm
Green	Miller, Calif.	Stewart
Grisham	Miller, Ohio	Stokes
Guarini	M'nota	Stratton
Gudger	Minish	Studds
Guyser	Mitchell, Md.	Swift
Haceborn	Mitchell, N.Y.	Synar
Hall, Ohio	Moakley	Tauke
Hall, Tex.	Moffett	Tauzin
Hamilton	Mollohan	Taylor
Hammer-	Montgomery	Thomas
schmidt	Moore	Thompson
Hance	Moorhead,	Traxler
Harkin	Calif.	Trible
Harris	Mottl	Udall
Harsha	Murphy, Pa.	Ullman
Heckler	Murtha	Van Deerin
Hefner	Musto	Van'er Jagt
Heftel	Myers, Ind.	Vanik
Hightower	Natcher	Vento
Hillis	Neal	Volkmer
Hol enbeck	Nedzi	Walgren
Hopkins	Nelson	Walker
Horton	Nolan	Wampler
Howard	Nowak	Watkins
Hubbard	O'Brien	Waxman
Huckaby	Oakar	Weaver
Fuzhes	Ottinger	Weiss
Hutchinson	Panetta	White
Hutto	Patten	Whitehurst
Hyde	Patterson	Whitley
Ireland	Pease	Whittaker
Jacobs	Penber	Whitten
Jeffords	Perkins	Williams, Mont.
Jeffries	Petri	Wilson, Bob
Jenkins	Peyster	Winn
Janrette	Pickle	Wirth
Johnson, Calif.	Porter	Wolf
Johnson, Colo.	Preyer	Wolpe
Jones, N.C.	Price	Wyatt
Jones, Okla.	Pritchard	Wydler
Jones, Tenn.	Pursell	Wylie
Kastenmeier	Quillen	Yates
Kazen	Rahall	Yatron
Kemp	Ranuel	Young, Fla.
Kildee	Ratchford	Young, Mo.
Kindness	Regula	Zablocki
Kogovsek	Reuss	Zeferetli
Kostmayer	Rhodes	

NAYS—16

Archer	Dannemeyer	McEwen
Bauman	Fenwick	Paul
Collins, Tex.	Hansen	Rousslet
Conable	Holt	Stump
Crane, Dan'el	Ke'ly	
Crane, Phillip	McDonald	

NOT VOTING—43

Abdnor	Bowen	Conyers
Anthony	Carney	Devine
AuCoin	Chappell	Dodd

Donnelly	Moorhead, Pa.	Shannon
Dougherty	Murphy, Ill.	St Germain
Hanley	Murphy, N.Y.	Steed
Hawkins	Myers, Pa.	Stockman
Hinson	Nichols	Symms
Holland	Oberstar	Williams, Ohio
Holtzman	Obey	Wilson, C. H.
Ichord	Pashayan	Wright
Leach, La.	Quayle	Young, Alaska
Lederer	Railsback	
McHugh	Roe	
Mathis	Roth	

□ 1150

The Clerk announced the following pairs:

Mr. Anthony with Mr. Abdnor.  
 Mr. Nichols with Mr. Pashayan.  
 Mr. Murphy of New York with Mr. Quayle.  
 Mr. Chappell with Mr. Young of Alaska.  
 Mr. Roe with Mr. Williams of Ohio.  
 Mr. Wright with Mr. Symms.  
 Mr. Obey with Mr. Hinson.  
 Mr. Hanley with Mr. Devine.  
 Mr. Hawkins with Mr. Carney.  
 Mr. AuCoin with Mr. Railsback.  
 Mr. Bowen with Mr. Moorhead of Pennsylvania.  
 Mr. Mathis with Mr. Stockman.  
 Mr. McHugh with Mr. Dougherty.  
 Mr. Murphy of Illinois with Mr. Holland.  
 Mr. Myers of Pennsylvania with Mr. Leach of Louisiana.  
 Mr. St Germain with Mr. Steed.  
 Mr. Lederer with Mr. Charles H. Wilson of California.  
 Mr. Dodd with Ms. Holtzman.  
 Mr. Shannon with Mr. Ichord.  
 Mr. Conyers with Mr. Donnelly.  
 Mr. Oberstar with Mr. Charles Wilson of Texas.

Mr. DANNEMEYER and Mr. ARCHER changed their votes from "yea" to "nay." So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill, H.R. 5192, just agreed to.

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

There was no objection.

#### REPORT ON A BILL MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

Mr. PURSELL reserved all points of order on the bill.

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

There was no objection.

#### APPOINTMENT OF CONFEREES ON H.R. 3904, MULTIEMPLOYER PENSION PLAN AMENDMENTS ACT OF 1979

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3904) to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve retirement income security under private multiemployer pension plans by strengthening the funding requirements for those plans, to authorize plan preservation measures for financially troubled multiemployer pension plans, and to revise the manner in which the pension plan termination insurance provisions apply to multiemployer plans, and for other purposes, with Senate and House amendments thereto, disagree to the Senate amendments to the House amendment to the Senate amendment, and request a conference with the Senate thereon.

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

Mr. ERLBORN. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey (Mr. THOMPSON) for the purpose of explaining to the House the situation now facing the House relative to this multiemployer insurance bill, H.R. 3904, and the intentions of the gentleman relative to this request for a conference.

Mr. THOMPSON. I thank my colleague and friend, the gentleman from Illinois, for yielding.

Mr. Speaker, I greatly regret the necessity for this action. As my colleagues know I have done everything possible to expedite this legislation. Apparently certain Members of the other body have not taken seriously the statements made by Members of this body.

We are in disagreement with the Senate on two issues and two issues only. It is on these issues alone that we are requesting a conference.

The first issue is the special exemption for the Hawaii Health Care Act. Last week I informed my distinguished colleagues from the Hawaii delegation, and on at least two occasions have publicly explained that, notwithstanding my sympathy for their problem, I was obliged to firmly oppose the special Hawaii exemption. It has been necessary to do so to preserve the coalition of business support for this bill that enabled us to save the legislation from the antilabor amendments that threatened to kill it. I promised my colleagues a hearing on the issue at the earliest possible date.

Our colleagues in the other body apparently mistook my expressions of sympathy. Be that as it may, the other body has restored the special exemption. On this matter I have committed myself to going to conference and preserving the House position.

The other issue on which we are seeking a conference is the unemployment

compensation offset. Regrettably the other body chose to reject our provision to protect social security benefits and have restored the Senate provision. I believe one of our distinguished colleagues from the Committee of Jurisdiction, the Ways and Means Committee, will speak to that.

Mr. Speaker, I expect the conference to be brief. I will reiterate the Hawaii exemption and the unemployment compensation offset are the only issues for conference.

I urge my colleagues support for this request.

□ 1200

Mr. ERLBORN. Mr. Speaker, further reserving the right to object, let me ask my colleague, is it the gentleman's belief that if this unanimous-consent request is granted that the conference may be concluded as early as next week and this very important legislation may be sent to the President for signature possibly before we adjourn at the end of next week?

Mr. THOMPSON. It is indeed my belief and my fervent hope that that be the case.

Mr. ERLBORN. Mr. Speaker, further reserving the right to object, I have said all along that this legislation was extremely necessary. I had hoped that it could have been enacted before now.

The situation presently is that the other body has recessed. They are not in session today and will not be until next week. We could not conclude our legislative consideration of this bill until next week, no matter what procedure we followed.

I am in agreement with the gentleman to limit the issues to just those two that he enumerated and to have this legislation disposed of most expeditiously, that it would be best to agree to this unanimous-consent request.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey (Mr. THOMPSON)?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, if I may inquire from the distinguished subcommittee chairman, I would inquire of the perimeters of the second point in dispute between the House and Senate versions.

The original House version contained no language on unemployment compensation. The Senate bill returned with the so-called Chafee amendment. The gentleman's amendment, which was accepted under a rule here, then modified the Chafee amendment, after which the Senate again passed the original Chafee amendment.

Now when we go into conference, are the conference boundaries going to be no law and the Chafee amendment, or are they going to be the nongermane unemployment compensation feature of the Thompson amendment and the Chafee amendment?

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

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

Mr. THOMPSON. Mr. Speaker, I wonder if the gentleman would be kind enough to yield to the gentleman from California (Mr. CORMAN), a member of the committee responsible for this section of the act.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from California (Mr. CORMAN).

Mr. CORMAN. I thank the gentleman for yielding.

It is my understanding that the House and Senate go to conference on the most recent action of each of the two bodies and would be the most recent action of the House, the most recent action of the Senate, and therefore be the Chafee amendment and the House-passed provision dealing with pension offsetting the unemployment compensation bill.

It is further my understanding, and I would ask on the gentleman's reservation, if that is the total sum of the differences that the Committee on Ways and Means will be dealing with?

Mr. THOMPSON. If the gentleman will yield, the answer is in the affirmative, yes, that is the total difference.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, the House original bill included no unemployment compensation. And the extra provision, which I am now informed will be the House position, was adopted under a rule in which there was no debate on this subject. I think, only under the flimsiest of rationale can it be considered the House position, at least on this bill.

Mr. THOMPSON. If the gentleman will yield further, the Committee on Ways and Means, in another piece of legislation, had addressed itself to this subject. Otherwise, the gentleman's statement is correct.

Mr. FRENZEL. Yes, and I tried to be careful in my statement to say that on this bill, the original House position was as I stated it. It is true that the committee has taken another position on another bill. It is also true the House took a different position on the existing law, which was passed rather recently.

Mr. Speaker, because I do not think the House has had an appropriate time to consider the original position versus the later position versus the Senate amendment, it is my intention to object to the unanimous-consent request. And I do object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I think we all know this is one of the most important pieces of legislation that has confronted the House of Representatives in many, many years.

Thousands of insurance plans throughout the Nation are in the balance. Hundreds of thousands of employees are losing out on their pension system, and in view of the gentleman's objection, I do want to state that the House Committee on Education and Labor has laid the foundation to make a motion.

Mr. Speaker, pursuant to the provi-

sions of clause 1, rule XX, and by direction of the Committee on Education and Labor, I move to take from the Speaker's table the bill, H.R. 3904, with the Senate and House amendments thereto, disagree to the Senate amendments to the House amendment to the Senate amendment and request a conference with the Senate thereon.

● Mr. FORD of Michigan. Mr. Speaker, multiemployer pension plans are a vitally important mechanism for providing retirement income to millions of American workers, and the legislation before us today, which will protect and strengthen those plans, therefore deserves the support of every Member of Congress.

But this legislation is of particular importance to workers covered by pension plans in what have come to be called declining industries. For in certain industries, whether because of competition from foreign imports, massive automation, or drastically reduced consumer demand, the employment base—and therefore the contribution base—has declined to the point that serious financial difficulties have arisen for the multiemployer pension plans the workers are counting on for retirement security.

Once the employment base in an industry has begun to shrink, a snowball effect develops: Contributing employers can see that their contributions will have to increase to meet unfunded liabilities that grow at an accelerating pace. To avoid these growing liabilities the employers withdraw from the plan or go out of business and reorganize, leaving an even smaller contribution base to support the plan and making further withdrawals inevitable.

The current law encourages such a snowballing of employer withdrawals by making an employers' liability proportional to the length of time it sticks with a plan. If it withdraws more than 5 years before plan termination, an employer has no liability whatsoever.

I have followed with concern the problems of a multiemployer plan in my own district that has suffered because of the decline of the American auto industry and the migration of businesses to the Sun Belt. While this plan is well run and has no unfunded liabilities, its future has been jeopardized by the threat of employer withdrawals. Throughout my participation in the development of the legislation before us today I have worked to see that this bill strengthens the viability of plans such as the autoworkers' plans in my district—particularly by removing any incentives for employer withdrawals.

H.R. 3904 accomplishes this goal by holding each contributing employer accountable for the totality of unfunded liabilities attributable to it. Moreover, by giving plans added flexibility when their contribution base drops below the number of retirees, the bill lessens the burdens of maintaining a plan in a declining industry.

I am proud to have worked with the gentleman from New Jersey (Mr. THOMPSON) on this urgently needed legislation, and I know that the entire

multiemployer pension community, both labor and management, are grateful for his untiring and capable leadership.●

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. PERKINS moves to take from the Speaker's table the bill H.R. 3904, with the Senate and House amendments thereto, disagree to the Senate amendments to the House amendment to the Senate amendment and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) is recognized for 1 hour.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 384, nays 1, not voting 47, as follows:

[Roll No. 504]

YEAS—384

Addabbo	Burriner	Edwards, Ala.
Alaska	Burison	Edwards, Calif.
Albosta	Burton, John	Edwards, Okla.
Alexander	Burton, Phillip	Emery
Ambro	Butler	English
Anderson,	Byron	Erdahl
Calif.	Campbell	Ernenborn
Anderson, Ill.	Carr	Ertel
Andrews, N.C.	Carter	Evans, Del.
Andrews,	Cavanaugh	Evans, Ga.
N.Dak.	Cheney	Evans, Ind.
Annunzio	Clausen	Fary
Applegate	Cleveland	Fascell
Archer	Clinger	Fazio
Ashbrook	Crelho	Fenwick
Ashley	Coleman	Ferraro
Aspin	Collins, Ill.	Findley
Atkinson	Collins, Tex.	Fish
Badham	Conable	Fisher
Bafalis	Conte	Fithian
Balley	Corcoran	Flippo
Baldus	Corman	Florio
Barnard	Cotter	Foley
Barnes	Coughlin	Ford, Mich.
Bauman	Courter	Ford, Tenn.
Beard, R.I.	Crane, Daniel	Forsythe
Beffel	Crane, Phillip	Fountain
Bellenson	D'Amours	Fowler
Benjamin	Daniel, Dan	Frost
Bennett	Daniel, E. W.	Fuqua
Berrier	Danielson	Garcia
Bethune	Danmeyer	Gavlos
Bevill	Daschle	Gephardt
Biaggi	Davis, Mich.	Giammo
Bingham	de la Garza	Gibbons
Blanchard	Deckard	Gilman
Bones	Dellums	Gingrich
Boland	Derrick	Ginn
Bolling	Derwinski	Glickman
Boner	Dickinson	Goldwater
Bonior	Dicks	Gonzalez
Bonker	Dingell	Goodling
Bouquard	Dixon	Gore
Brademas	Dornan	Gradison
Brinkley	Dougherty	Gramm
Brodhead	Downey	Grassley
Brooks	Drinan	Gray
Broomfield	Duncan, Oreg.	Green
Brown, Calif.	Duncan, Tenn.	Grisham
Brown, Ohio	Early	Guarini
Brovhill	Eckhardt	Gudger
Buchanan	Edgar	Guyer

Hagedorn	Madigan	Santini
Hall, Ohio	Maguire	Sawyer
Hall, Tex.	Markey	Scheuer
Hamilton	Marks	Schroeder
Hammer-	Marience	Schulze
schmidt	Marriott	Sebelius
Hance	Martin	Sebering
Hansen	Matsul	Sensenbrenner
Harkin	Mattox	Shelby
Harris	Mavroules	Shumway
Harsha	Mazzoli	Shuster
Hawkins	Mica	Simon
Heckler	Michel	Ske-ton
Hefner	Mikuiski	Smith, Iowa
Heftel	Miller, Calif.	Smith, Nebr.
Hightower	Miller, Ohio	Snowe
Hillis	Mineta	Snyder
Hollenbeck	Minish	Solarz
Holt	Mitchell, Md.	Solomon
Hopkins	Mitchell, N.Y.	Spellman
Horton	Moakley	Spence
Howard	Moffett	St Germain
Hubbard	Mollohan	Stack
Huckaby	Moore	Staggers
Hughes	Moorhead,	Stangeland
Hutchinson	Calif.	Stark
Hutto	Mottl	Stenholm
Hyde	Murphy, Pa.	Stewart
Ireland	Murtha	Stockman
Jacobs	Musto	Stokes
Jeffords	Myers, Ind.	Stratton
Jeffries	Natcher	Studds
Jenkins	Neal	Stump
Jenrette	Nedzi	Swift
Johnson, Calif.	Nelson	Synar
Johnson, Colo.	Nolan	Tauke
Jones, N.C.	Nowak	Tauzin
Jones, Okla.	O'Brien	Taylor
Jones, Tenn.	Oakar	Thomas
Kastenmeier	Ottinger	Thompson
Kazen	Panetta	Traxler
Kelly	Patten	Trible
Kemp	Patterson	Udall
Kildee	Paul	Ullman
Kindness	Pease	Van Deerlin
Kogovsek	Pepper	Venik
Kostmayer	Perkins	Vento
Kramer	Petri	Volkmer
LaFalce	Peyser	Walgren
Lagomarsino	Pickle	Walker
Latta	Porter	Wampler
Leach, Iowa	Preyer	Watkins
Leath, Tex.	Price	Waxman
Lee	Pritchard	Weaver
Lehman	Pursell	Weiss
Leland	Quayle	White
Lent	Quillen	Whitehurst
Levitas	Rahall	Whitley
Lewis	Ranzel	Whittaker
Livingston	Ratchford	Whitten
Lloyd	Regula	Williams, Mont.
Loeffler	Reuss	Williams, Ohio
Long, La.	Rhodes	Wilson, Bob
Long, Md.	Richmond	Winn
Lott	Rinaldo	Wirth
Lowry	Ritter	Wolf
Lujan	Roberts	Wolpe
Luken	Robinson	Wyatt
Lundine	Rodino	Wyder
Lungren	Rose	Wylie
McClory	Rosenthal	Yates
McCloskey	Rostenkowski	Yatron
McCormack	Roussetot	Young, Fla.
McDade	Roybal	Young, Mo.
McDonald	Royer	Zablocki
McEwen	Rudd	Zeferetti
McKay	Russo	
McKinney	Sabo	

NAYS—1

Frenzel

NOT VOTING—47

Abdnor	Hinson	Pashayan
Anthony	Holland	Railsback
AuCoin	Holtzman	Roe
Beard, Tenn.	Ichord	Roth
Bowen	Leach, La.	Satterfield
Breaux	Lederer	Shannon
Carney	McHugh	Sharp
Chappell	Mathis	Stanton
Chisholm	Montgomery	Steed
Clay	Moorhead, Pa.	Symms
Convers	Murphy, Ill.	Vander Jagt
Davis, S.C.	Murphy, N.Y.	Wilson, C. H.
Devine	Myers, Pa.	Wilson, Tex.
Dodd	Nichols	Wright
Donnelly	Oberstar	Young, Alaska
Hanley	Obey	

□ 1220

The Clerk announced the following pairs:

Mr. Chappell with Mr. Hinson.  
 Mr. Anthony with Mr. Pashayan.  
 Mr. Satterfield with Mr. Railsback.  
 Mr. Wright with Mr. Leach of Louisiana.  
 Mr. Murphy of New York with Mr. Vander Jagt.  
 Mr. Montgomery with Mr. Symms.  
 Mr. Breaux with Mr. Stanton.  
 Mr. Steed with Mr. Abdnor.  
 Mr. McHugh with Mr. Beard of Tennessee.  
 Mr. Murphy of Illinois with Mr. Carney.  
 Mr. Moorhead of Pennsylvania with Mr. Devine.  
 Mr. Nichols with Mr. Holland.  
 Mr. Oberstar with Ms. Holtzman.  
 Mr. Dodd with Mr. Young of Alaska.  
 Mr. Bowen with Mr. Conyers.  
 Mr. AuCoin with Mr. Davis of South Carolina.  
 Mr. Myers of Pennsylvania with Mr. Donnelly.  
 Mr. Lederer with Mr. Clay.  
 Mr. Mathis with Mrs. Chisholm.  
 Mr. Roe with Mr. Ichord.  
 Mr. Shannon with Mr. Charles H. Wilson of California.  
 Mr. Charles Wilson of Texas with Mr. Obey.  
 Mr. Hanley with Mr. Sharp.

So the motion was agreed to.  
 The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: MESSRS. PERKINS, THOMPSON, BRADEMAs, CLAY, ASHBROOK, and ERLBORN, on the Senate amendments designated Nos. 2 and 3, and modifications committed to conference; and MESSRS. ULLMAN, CORMAN, RANGEL, BRODHEAD, CONABLE, and FRENZEL, on the Senate amendment designated No. 1, and modifications committed to conference.  
 There was no objection.

PERMISSION ON CALL OF PRIVATE CALENDAR ON THURSDAY, SEPTEMBER 4, 1980

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order to call the Private Calendar on Thursday, September 4, 1980.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 985, CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT AMENDMENTS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file Consolidated Farm and Rural Development Act amendments.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON S. 1125, FEDERAL CROP INSURANCE ACT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the conferees may have until midnight tonight to file a conference report on the Senate bill (S. 1125) the Federal Crop Insurance Act.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7765, PROVIDING FOR RECONCILIATION OF FIRST CONCURRENT RESOLUTION ON THE BUDGET

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Report No. 96-1264) on the resolution (H. Res. 776) providing for the consideration of the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981, which was referred to the House Calendar and ordered to be printed.

HEALTH RESEARCH ACT OF 1980

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 765 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 765

*Resolved*, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7036) to amend the Public Health Service Act to revise and extend the authorities under that Act relating to national research institutes, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommitt with or without instructions. After the passage of H.R. 7036, the House shall proceed, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill (S. 988), and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 7036 as passed by the House.

The SPEAKER pro tempore. The gen-

tleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio (Mr. LATTATA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 765 provides for the consideration of H.R. 7036, the Health Research Act of 1980. This is an open rule with 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Interstate and Foreign Commerce. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purposes of amendment under the 5-minute rule, and each section of said substitute shall be considered as having been read.

The rule waives points of order against said substitute for failure to comply with the provisions of clause 5 of rule XXI which prohibits appropriations in a legislative bill. The waiver is needed because section 474 of the substitute provides that the Secretary of the Department of Health and Human Services may accept conditional gifts for the National Institutes of Health, authority which constitutes an appropriation.

The resolution also waives section 402a of the Budget Act, which requires that new budget authority for a fiscal year be reported by May 15 preceding the beginning of such fiscal year, against consideration of H.R. 7036 and S. 988.

Finally, the rule provides one motion to recommit with or without instructions.

After the passage of H.R. 7036, the House shall proceed to the consideration of the bill, S. 988, and it shall be in order in the House to move to strike out all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 7036 as passed by the House.

H.R. 7036 amends the Public Health Service Act to revise and extend the authorities under that act relating to the National Research Institutes. The bill establishes the National Institutes of Health as an agency of the Public Health Service and establishes the 11 existing National Research Institutes in law. For the first time, all of the National Research Institutes would be subject to an authorization of appropriations.

H.R. 7036 provides authorizations for the National Institutes of Health, which is the principal medical research arm of the Federal Government, of \$4.076 billion for the fiscal years 1981, 1982, and 1983.

Mr. Speaker, NIH's accomplishments in biomedical research are recognized throughout the world and have contributed greatly to improving the quality of life and health of our American people. I am sure my colleagues will carefully consider this legislation which provides authorities for needed medical

research. I urge the adoption of House Resolution 765 so that we may proceed to the consideration of this important legislation.

□ 1230

Mr. Speaker, I yield for purposes of debate only to the gentleman from Ohio (Mr. LATTATA).

Mr. LATTATA. Mr. Speaker, this rule could almost be described as routine. It contains two waivers of the Budget Act, and also, a waiver of the rule prohibiting appropriations on legislation. But unfortunately, there is nothing unusual about this procedure.

If anything, these waivers may be less objectionable than usual because they are essentially technical waivers.

The first waiver is of the Budget Act requirement that authorization bills be reported by May 15 before the fiscal year they become effective. The waiver is necessary because the bill includes certain indirect authorizations which could take effect this fiscal year and therefore, the bill should have been reported by May 15, 1979, which it was not. However, the Committee on Interstate and Foreign Commerce has agreed to offer an amendment making the effective date of the bill October 1, 1980, and this would cure the Budget Act problem.

The same Budget Act waiver is necessary to allow consideration of the Senate bill, after passage of the House bill. It is necessary to consider the Senate bill in order to insert the House-passed language in the Senate bill number, and thus, expedite going to conference.

Finally, the rule waives points of order because there is technically an appropriation included in this legislative bill. The problem arises because the bill allows certain donations to be used without going through the appropriations process, and technically, this constitutes an appropriation.

Mr. Speaker, other than the waivers this rule includes no notable provisions. It provides 1 hour of general debate for the consideration of H.R. 7036, the Health Research Act of 1980. There are no special restrictions on amendments included in the rule.

Mr. Speaker, the bill made in order by this rule eliminates the permanent authorization which has covered most of activities under NIH, and replaces it with specific 3-year authorizations for all NIH activities.

Looking at the amount of the authorizations, you would never guess that this is a time of austerity. The proposed authorization level for fiscal year 1981 is 23.7 percent higher than the appropriation for fiscal year 1980. The average annual increases in spending proposed for the fiscal years 1981 through 1983 comes to 19.2 percent.

Mr. Speaker, I have no requests for time and reserve the remainder of my time.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 28, not voting 62, as follows:

[Roll No. 505]

YEAS—342

Addabbo	Deckard	Hightower
Akaka	Dellums	Hillis
Albosta	Derrick	Hollenbeck
Alexander	Derwinski	Hopkins
Ambro	Dickinson	Horton
Anderson,	Dicks	Howard
Calif.	Dougherty	Hubbard
Anderson, III.	Downey	Huckaby
Andrews,	Drinan	Hughes
N.Dak.	Duncan, Oreg.	Hutchinson
Annunzio	Duncan, Tenn.	Hutto
Applegate	Early	Hyde
Archer	Eckhardt	Ireland
Ashbrook	Edgar	Jacobs
Ashley	Edwards, Ala.	Jeffords
Aspin	Edwards, Calif.	Jenkins
Atkinson	Edwards, Okla.	Jenrette
Badham	Emery	Johnson, Calif.
Bafalis	English	Johnson, Colo.
Bailey	Erdahl	Jones, N.C.
Baldus	Ernenborn	Jones, Okla.
Barnard	Ertel	Jones, Tenn.
Barnes	Evans, Del.	Kastenmeier
Beard, R.I.	Evans, Ga.	Kazen
Bezell	Evans, Ind.	Kelly
Bellenson	Fary	Kemp
Benjamin	Fascell	Kildee
Bennett	Fazio	Kogovsek
Bethune	Fenwick	Kostmayer
Bevill	Ferraro	Kramer
Blaggi	Findley	LaFalce
Blanchard	Fish	Latta
Boggs	Fisher	Leach, Iowa
Boland	Fithian	Lee
Bolling	Flippo	Lent
Boner	Florio	Levitas
Bonior	Foley	Livingston
Bonker	Ford, Tenn.	Lloyd
Bouquard	Forsythe	Loeffler
Brademas	Fountain	Long, La.
Breaux	Fowler	Long, Md.
Brinkley	Frenzel	Lott
Brodhead	Frost	Lowry
Brooks	Garcla	Lujan
Broomfield	Gaydos	Luken
Brown, Calif.	Gephardt	Lundine
Brown, Ohio	G'amo	McClory
Broyhill	Gibbons	McCormack
Buchanan	G'liman	McDade
Burlison	Gingrich	McKay
Burton, John	G'inn	McKinney
Burton, Phillip	Glickman	Madigan
Butler	Goldwater	Maguire
Byron	Gonzalez	Markey
Campbell	Goodling	Markes
Carr	Gore	Marlenee
Carter	Gradison	Mariotti
Cavanaugh	Gramm	Martin
Chisholm	Grassley	Matsui
Cleve and	Gray	Mattox
Clinger	Green	Mavroules
Coelho	Grisham	Mazzoli
Coleman	Guarini	Mica
Collins, Ill.	Gudger	Michel
Conable	Guyer	Miller, Calif.
Conte	Hagedorn	Miller, Ohio
Corcoran	Hall, Ohio	Mineta
Corman	Hall, Tex.	Minish
Cotter	Hamilton	Mitchel, Md.
Coughlin	Hammer-	Mitchell, N.Y.
Courter	schmidt	Mrakley
D'Amours	Hance	Moffett
Daniel, R. W.	Harkin	Mollohan
Danielson	Harris	Moore
Dannemeyer	Hawkins	Mottl
Davis, Mich.	Heckler	Murphy, Pa.
de la Garza	Hefner	Murtha
	Heftel	Musto

Myers, Ind.	Roybal	Tauke
Natcher	Rudd	Tauzin
Neal	Russo	Taylor
Nedzi	Sabo	Thompson
Nelson	Santini	Traxler
Nolan	Sawyer	Trible
Nowak	Scheuer	Udall
Oakar	Schroeder	Ullman
Ottinger	Schulze	Van Deerlin
Panetta	Seiberling	Vander Jagt
Patten	Sensenbrenner	Vanik
Patterson	Sharp	Vento
Pease	Shelby	Volkmer
Pepper	Simon	Walgren
Perkins	Skelton	Walker
Peysner	Smith, Iowa	Wampler
Pickle	Smith, Nebr.	Watkins
Porter	Snowe	Waxman
Preyer	Snyder	Weaver
Price	Soiarz	Weiss
Pursell	Solomon	White
Quayle	Speilman	Whitehurst
Rahall	Spence	White
Rangel	St Germain	Whittaker
Ratchford	Stack	Whitten
Regula	Stagers	Williams, Mont.
Reuss	Stangeland	Williams, Ohio
Rhodes	Stark	Wilson, Bob
Richmond	Steer	Wirth
Rinaldo	Stenholm	Wolpe
Ritter	Stewart	Wyatt
Roberts	Stockman	Wylie
Robinson	Stokes	Yates
Rodino	Stratton	Yatron
Rose	Studds	Young, Fla.
Rosenthal	Swift	Young, Mo.
Rostenkowski	Synar	Zeferetti

NAYS—28

Bauman	Jeffries	Petri
Bereuter	Kindness	Quillen
Burgener	Lagomarsino	Rousselot
Clausen	Lewis	Sebelius
Collins, Tex.	Lungeren	Shumway
Crane, Daniel	McDonald	Shuster
Crane, Philip	Moorhead,	Stump
Dornan	Calif.	Thomas
Hansen	O'Brien	Winn
Holt	Paul	

NOT VOTING—62

Abdnor	Hanley	Nichols
Andrews, N.C.	Harsha	Oberstar
Anthony	Hinson	Obey
AuCoin	Holland	Pashayan
Beard, Tenn.	Holtzman	Pritchard
Bowen	Ichord	Rallsback
Carney	Leach, La.	Roe
Chappell	Leath, Tex.	Roth
Cheney	Lederer	Royer
Clay	Lehman	Satterfield
Conyers	Leland	Shannon
Daniel, Dan	McCloskey	Stanton
Daschle	McEwen	Symms
Davis, S.C.	McHugh	Wilson, C. H.
Devine	Mathis	Wilson, Tex.
Dingell	Mikulski	Wolf
Dixon	Montgomery	Wright
Dodd	Moorhead, Pa.	Wylder
Donnelly	Murphy, Ill.	Young, Alaska
Ford, Mich.	Murphy, N.Y.	Zablocki
Fuqua	Myers, Pa.	

□ 1240

The Clerk announced the following pairs:

Mr. Lederer with Mr. Harsha.  
 Mr. Murphy of New York with Mr. Pashayan.  
 Mr. Chappell with Mr. Pritchard.  
 Mr. Nichols with Mr. Carney.  
 Mr. Wolf with Mr. Cheney.  
 Mr. Zablocki with Mr. Hinson.  
 Mr. Anthony with Mr. McEwen.  
 Mr. Hanley with Mr. Symms.  
 Mr. Montgomery with Mr. Wylder.  
 Mr. Murphy of Illinois with Mr. Beard of Tennessee.  
 Mr. Fuqua with Mr. Abdnor.  
 Mr. Dodd with Mr. Roth.  
 Mr. Dingell with Mr. Royer.  
 Mr. Dan Daniel with Mr. Satterfield.  
 Mr. Bowen with Mr. Charles Wilson of California.  
 Mr. AuCoin with Mr. Young of Alaska.  
 Mr. McHugh with Mr. Donnelly.  
 Mr. Myers of Pennsylvania with Mr. Devine.  
 Mr. Roe with Mr. Davis of South Carolina.

Mr. Wright with Mr. Andrews of North Carolina.  
 Mr. Mathis with Mr. Holland.  
 Mr. Dixon with Ms. Holtzman.  
 Mr. Conyers with Mr. Ichord.  
 Mr. Clay with Mr. Leach of Louisiana.  
 Mr. Daschle with Mr. Leath of Texas.  
 Mr. Ford of Michigan with Mr. Leland.  
 Mr. Lehman with Mr. McCloskey.  
 Mr. Charles Wilson of Texas with Ms. Mikulski.  
 Mr. Shannon with Mr. Stanton.  
 Mr. Obey with Mr. Rallsback.  
 Mr. Oberstar with Mr. Moorhead of Pennsylvania.

So the resolution was agreed to.  
 The result of the vote was announced as above recorded.  
 A motion to reconsider was laid on the table.

□ 1240

Mr. WAXMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7036) to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7036, with Mr. WEISS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

The gentleman from California (Mr. WAXMAN) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. CARTER) will be recognized for 30 minutes.

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

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

Mr. Chairman, I am asking the House to consider today H.R. 7036, the Health Research Act of 1980.

I am especially pleased to present this bill because it is a forceful statement of support for our Nation's biomedical research programs. I want to thank the members of the Interstate and Foreign Commerce Committee, and particularly Chairman STAGGERS and Dr. CARTER, for their extensive contributions to the development of this legislation.

H.R. 7036 is supported by the administration as well as many scientific and health groups. It was reported from the Subcommittee on Health and the Environment by a unanimous voice vote and from the Committee on Interstate and Foreign Commerce by a vote of 23 to 1.

As chairman of the Subcommittee on Health, I am firmly committed to an effective effort to prevent and cure can-

cer, heart disease, arthritis, diabetes, and all the many other diseases that afflict the American people. The National Institutes of Health are in the forefront of our commitment to this endeavor. The NIH is our Nation's finest biomedical research institution.

H.R. 7036 has four major features:

First, the bill extends the authorizations for the National Cancer Institute, the National Heart, Lung, and Blood Institute, as well as a number of the programs in the National Institute of Arthritis, Metabolism and Digestive Diseases. These programs all have authorizations which expire at the end of this fiscal year. This bill is, most fundamentally, a reauthorization bill.

Second, the bill mandates that NIH undertake more intensive efforts in the areas of arthritis, diabetes, and digestive diseases. These painful, chronic diseases afflict millions of our citizens. It is now time for our Nation's research effort to make greater progress in improving the lives of the many Americans suffering from these conditions.

Third, the bill makes a number of important changes to promote the more effective, efficient management of the National Institutes of Health. In particular, the National Research Service awards, NRSA, program is amended to encourage more young physicians to consider careers in biomedical research and research in the social sciences is exempted from review by local institutional review boards.

Fourth, the statutory authority for the National Institutes of Health is revised to set in law for the first time the NIH, its 11 individual institutes, and the institutes' advisory councils.

The provisions of H.R. 7036 were extensively debated and carefully designed by the Subcommittee on Health. The bill is the product of an in-depth 6-month review of the operation and statutory authority of the Federal biomedical research programs; 4 days of hearings and 5 days of markup sessions were devoted to the development of the bill. The markup of the bill was delayed three times to allow all interested individuals additional time to present their views to committee members. Due to the extent of these deliberations, the bill report was not filed by the committee until May 16, the last day allowed by the Budget Act.

This point should be emphasized. The committee deliberations on the renewal of the NIH authorities began with oversight hearings in November and continued until the last possible day.

During this long period of consideration, committee members and staff met with dozens of interested organizations and individuals. The bill was substantially revised by the subcommittee and additional amendments were adopted by the full committee at the specific request of various interest groups, including the Association of American Medical Colleges, and the administration.

A major issue during the deliberations was the provision of authorizations for the nine Institutes which do not now have authorizations. After careful review the committee favored providing

authorizations for these Institutes for three reasons:

First, the two largest Institutes of NIH—the National Cancer Institute and the National Heart, Lung and Blood Institute—have authorizations since 1972 and 1973 respectively. Under authorizations these two Institutes, which together comprise 45 percent of the budget of NIH, have performed exceptionally well. Over this period both of these Institutes have grown more rapidly than the nine smaller institutes which have not had authorizations. This natural experiment on the impact of authorizations on NIH research programs clearly shows that authorizations can be beneficial.

Second, the setting of authorizations for NIH is consistent with the usual approach to the review of general revenue programs by the committees of the House. The research programs managed by the Departments of Defense and Energy and the National Science Foundation all have annual authorizations. The setting of authorizations for expenditures—including expenditures for scientific research—is the current practice in the House.

Third, review of all of the programs in NIH will provide needed balance. Today, almost 50 percent of the expenditures of NIH are under authorizations while the other half are not. This situation leads inevitably to an imbalance in the review of the research activity by the committee. The cancer and heart/lung programs are reviewed every 3 years as part of the reauthorization process, while activities in other important areas such as neurology, infectious diseases, aging, and others are neglected. With almost \$2 billion in expenditures these programs warrant greater attention.

In providing authorizations, however, the committee was sensitive to the concerns of the biomedical community. Two amendments were adopted to provide the additional safeguards sought by health researchers.

An amendment offered by Mr. PREYER allows for authorizations to be provided for an additional year automatically if program extensions are unavoidably delayed in 1983;

An amendment offered by Dr. CARTER provides an overall authorization of \$100 million to assure that unexpected breakthroughs in research will not be impeded by limited authorization levels.

With these two amendments, authorizations for all of the Institute of Health will serve to protect and enhance the important work of the nine smaller Institutes. These authorizations will encourage adequate support for the full spectrum of biomedical research.

Mr. Chairman, support of the committee reported bill is important to the conquest of cancer, arthritis, diabetes, and the other serious diseases facing the American people. The 11 Research Institutes which constitute the National Institutes of Health are our Nation's finest Biomedical Research Institution. An effective biomedical research program will lead to a healthier more productive population. H.R. 7036 provides

the statutory framework necessary to maintain a strong, accountable health research program.

I now yield to my distinguished colleague from Kentucky, Dr. CARTER. In addition to being the author of the key provision regarding breakthroughs in research, Dr. CARTER is the principal sponsor of sections of the bill encouraging greater efforts to understand and cure arthritis, diabetes, and digestive diseases. As always, Dr. CARTER's views have helped shape the bill from beginning to end.

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

Mr. Chairman, I am firmly convinced that biomedical research is tremendously important to the future health and well-being of the citizens of this country and of the people of the world. There is no doubt in my mind that the directions and priorities set by the Congress for ongoing and future federally supported research, particularly in the area of prevention, can significantly alter the nature of disease as we know it today. This is why I have strongly supported our biomedical research efforts in the past and will continue to do so in the future.

I believe that H.R. 7036 should be seen as a strong expression of continued support for biomedical research by the Congress. First, and most importantly, the bill follows the regular legislative process by providing authorizations for each of the Institutes at NIH. In this way, we have assured that a proper framework has been established for oversight of our Federal biomedical research effort. This is especially important in fulfilling our responsibility to set general biomedical research priorities and policies, and to insure that those priorities are reflected in the actual operation of the Research Institutes.

However, the committee has recognized that specific authorizations must provide flexibility in order to respond to possible research breakthroughs. For this reason—the committee agreed to an amendment which I offered to provide authority for appropriations for research breakthroughs where the specific authorizations for the National Research Institutes are insufficient to that end. In a further effort to insure flexibility and continuity in the operation of the Research Institutes, H.R. 7036 also provides for continued funding for NIH if Congress does not reauthorize research programs in a timely fashion. I believe that these two amendments should allay the fears of those who are concerned about flexibility and continuity in regard to our biomedical research programs.

In my view H.R. 7036 is a good bill and one which is worthy of support. I can assure you that in drafting this legislation we gave careful consideration to the concerns expressed by the biomedical research community and by the public. Moreover, as in the case of the amendments to the authorization section, several amendments were adopted to deal specifically with those concerns.

I am committed to strong support of

biomedical research, a commitment I know I share with many others.

Mr. Chairman, in crafting this bill it has been my pleasure to have worked with the distinguished chairman of the full committee, who is responsible for many of the amendments in the legislation affecting the National Institutes of Health; really, I think it should bear his name. I want to commend the chairman for his valuable contribution.

Mr. Chairman, I want to thank the distinguished chairman of the subcommittee for his kindness and cooperation, and for his leadership over the years. I want to thank the staff, which has been so helpful.

Mr. Chairman, if we go back through this legislation, we find that it started in 1937 with legislation establishing the National Cancer Institute, and since that time it has been improved and has grown until now, there are 11 National Institutes of Health.

I see one of the proponents of the National Institutes on Aging here, one of the Institutes included in the legislation before us today; the gentleman who was most effective in getting this done is the gentleman from Florida, the Honorable CLAUDE PEPPER. I want certainly to commend him for his work and for his assistance over the years.

Mr. Chairman, sometimes we look at the funds that we spend, and we wonder what good they are doing. If we look at, for instance, in cancer, in leukemia, we will find that in cases of acute lymphocytic leukemia, just a few years ago the mortality was 100 percent. Now, at least 50 percent of the youngsters with the disease are going into remission. We owe some of the physicians in this country a great deal of credit for this.

□ 1300

One of them is Dr. Emil Frei of Harvard, and he is now a physician with the Farber Institute. Sidney Farber was a renowned cancer specialist over the years. Another physician prominent in the cancer field is Dr. Emil Freirich. It is an unusual thing that these two men, Emil Frei and Emil Freirich, were in the same class at Harvard, and both of them are well known and tremendously dedicated oncologists.

Mr. Chairman, I would like also to remind the Members of Dr. Holland of Mt. Sinai, who has been so helpful in this area also.

Just this morning we received a report that one of the cancers, acute myelogenous leukemia, which has been resistant to treatment, now is being treated successfully on an experimental basis. These cases are going into remission under treatment approximately 40 percent of the time, and soon they may well be cured.

I want to commend the appointment of Dr. Vincent DeVita as Director of the National Cancer Institute. Few people know that his son, although he did not suffer from cancer, suffered from an incurable disease, aplastic anemia, in which his body could not fight off any type of infection, and he had to live in a laminar flow unit for years and years, where the air always flows outward

and the inside must be kept absolutely sterile.

Mr. Chairman, I would say that if we ever had a man who has the right to be dedicated, it is a man who has had a family member under such treatment and suffering such a condition over such a long period of time. I know that Dr. DeVita will be a dedicated man.

With such men, I am sure, Mr. Chairman, that we can go forward. There will be breakthroughs in this area.

Mr. Chairman, we have also accomplished a great deal in diabetes. At the present time there is under production a battery-powered pump to inject insulin gradually as the body requires it. I am thankful for that. This instrument is not universally available at this time, but it will be within the near future.

Not only that, but we are transplanting the islet cells of Langerhans which produce insulin from one animal to another. We trust that in the future we will be able to transfer these cells from one human to another and in this way rid our people of this dread disease, diabetes, which is one of the greatest causes of blindness that we have.

What has the Heart, Lung, and Blood Institute done? In heart disease, heart attacks have declined 26 percent since 1968, and this is the leading cause of death in the United States. I think that is money well spent.

Deaths from stroke have declined over 38 percent since 1968, and so I commend, too, the people who are engaged in examining and treating people for hypertension.

Mr. Chairman, I strongly support this legislation, and I urge its passage.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I am happy to yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, it is difficult in general to oppose the principle of periodic authorizations for any area of Federal spending. But I am deeply concerned with the implications of periodic authorizations in the field of medical research where the time frame of projects often exceeds the tenure of Members of Congress.

Specifically, H.R. 7036 breaks with long standing tradition by eliminating the general research authority of section 301 of the Public Health Service Act under which most of the health institutes now operate. For the past 35 years, under this arrangement of broad policy oversight, remarkable progress has been made in the understanding, treatment, and prevention of disease.

The Health Research Act of 1980 would radically change the basic arrangements undergirding this record of progress. Removing the current flexible authority, H.R. 7036 would place all of the institutes on a triennial authorization cycle, with specific expenditure ceilings.

Frequent reauthorizations carry with them the danger of politicizing what has been to date a noncontroversial, broadly supported program characterized by institutionalism rather than politics. The problem with periodic authorizations is

reflected vividly in the amendments to be offered today on this bill.

Three of the four published amendments are concerned with highly specific research causes. Undoubtedly, each of these amendments addresses a most serious and worthy problem, but I am concerned that frequent reauthorization in the future will carry, not 3, but 30 or more such directives, in some cases regardless of scientific ability to address the problem and in all cases jeopardizing research priorities which today are largely set by scientists not politicians. There is already sufficient opportunity for Congress to oversee and direct biomedical research in this country without adding a new layer of opportunity for well intended but possibly mischievous political input.

Mr. Chairman, this bill is opposed by four former assistant Secretaries of Health, serving since 1965. It is opposed by the four living previous Directors of NIH, serving since 1955. It is opposed by the American Association of Medical Colleges, the Association of Professors of Medicine, the Joint Health Policy Committee of the Association of American Universities, the National Association of State Universities and Land Grant Colleges, and numerous individual professions in the field.

Finally, let me stress that congressional policy is effected by people as well as institutional arrangements.

As much as I respect the gentleman from California and the gentleman from Kentucky and their enlightened views on the need for responsible medical research, I fear that sometime in the future less enlightened people may take their places on this key subcommittee, in which case the great research institutions of America may be forced to come on bended knee to Congress instead of in the current spirit of cooperation and progress.

I would urge my colleagues to vote against this bill. But if it prevails it would be my hope that members of the House-Senate conference committee will resolve differences between the bills by preserving, not destroying, the general research authority of section 301 of the Public Health Service Act.

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

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

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

Mr. Chairman, I want to point out to my colleague, the gentleman from Iowa (Mr. LEACH), that he is misinformed about the support for this legislation. We have sent out to our colleagues a letter which indicates the Surgeon General, Dr. Richmond, as well as the Director of the National Institutes of Health, Dr. Fredrickson, support the legislation.

There was some concern about the review of contract provisions and the intramural review that goes on in NIH. They now support the legislation.

There are some who disagree with the idea of authorizations. The gentleman raised the question of political interfer-

ence. I believe the gentleman referred to actions he might not approve of by our colleagues in an appropriation bill as opposed to an authorization bill. I do not believe there are distortions. I think we have a responsibility, in spending the taxpayers' money, to oversee what is being done with that money.

Here we have a very sensitive area, because we do not want to substitute our opinions and judgments for those which are basically scientific judgments.

I have only asked the gentleman from Kentucky (Mr. CARTER) to yield on this point because it has been, I think, a very much misunderstood aspect of legislation. But this is the time for the gentleman from Kentucky to yield to those who might wish to speak on the bill. We have some Members on our side also who want to speak.

Mr. Chairman, I wanted to point that out, and perhaps later in the discussion of the legislation other questions might also be answered.

Mr. CARTER. Mr. Chairman, I thank the distinguished subcommittee chairman for his comments, and in reclaiming my time I would say that, on the idea of the politics of health, over the years the men in this House and the women in this House have seen my actions, and I do not believe they can say that on any occasion the word "politics" has ever entered my mind. I resent the implication of anyone saying that.

I will ask my good friend, the gentleman from Iowa (Mr. LEACH), on which committee he serves.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield. I yield for an answer.

On what committee does the gentleman serve?

□ 1310

Mr. LEACH of Iowa. Mr. Chairman, I serve on two committees, the Post Office and Civil Service Committee and the Banking Committee.

Mr. CARTER. All right, sir. On the gentleman's Banking Committee, my good friend, do you not authorize funds? Is that not right?

Mr. LEACH of Iowa. Yes; we do, sir.

Mr. CARTER. And on Post Office and Civil Service, do you not authorize funds?

Mr. LEACH of Iowa. Yes; we do, sir.

Mr. CARTER. Then the Appropriations Committee appropriates funds, does it not?

Mr. LEACH of Iowa. Yes; it does, sir.

Mr. CARTER. The gentleman has the two-tier system, of which he is complaining of us.

Mr. LEACH of Iowa. Yes, sir.

Mr. CARTER. Do you politicize yours? We are not going to politicize ours. We are very much interested in this legislation. We think it is good, and we think we should have the same oversight which the gentleman exercises himself on the Committee on Banking and Currency and also on the Committee on Post Office and Civil Service.

Mr. LEACH of Iowa. Will the gentleman yield for a clarification?

Mr. CARTER. I yield to the gentleman.

Mr. LEACH of Iowa. I will be very brief in responding. The politics I am

concerned with is the politics of too much heart and not too little. All of us have our favorite cause. This basic legislation adds a second layer of political input.

Mr. CARTER. I will reclaim my time and say that it has no more second layer than yours.

Mr. LEACH of Iowa. That is correct.

Mr. CARTER. Really, my friend, the pot should not call the kettle black. How can the gentleman say something to me when he does the same thing himself?

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

Mr. CARTER. I am most pleased to yield to my good friend, the gentleman from Texas.

Mr. GRAMM. I would like to say that if Members of the House represent medical schools, as I do—and I represent two—they have all gotten these fiery telegrams saying, "Don't set up a procedure that sunsets health research."

First, it is very misleading. We are not sunsetting health research. We have provisions in this bill that stand in stark contrast with other legislation, where funds are automatically authorized if we do not act.

But at its very root here is the sheer arrogance of the National Institutes of Health to say, "We should not have to be authorized by the Congress. What we are doing is above the legislative process."

I certainly reject that. The Committee on Health and the Environment rejected it, and I think time is long overdue that we ask, "What are we getting for our health dollar?" I think we are getting a lot. I think it is high yield. But I want to look at it, I want to authorize it, I want to subject them to the test of fiscal responsibility and good yield on the dollar, like everybody else.

I associate myself with the remarks of the gentleman from Kentucky.

Mr. CARTER. I thank the distinguished gentleman for his remarks.

I see here in this august body one of my good friends, the distinguished Speaker, who recently, at the conventions held in Madison Square Garden, referred to those on this side as being right-wingers and possibly related to far-right groups, my good friend of years, that courtly, white-haired gentleman. You know, he got me down here. Since I have been here I have always tried to vote for what was right and what would benefit the people. I do wish my good friend would not be so hard on his friends on this side of the aisle.

I yield to my good friend, the gentleman from Illinois (Mr. O'BRIEN), and I will ask: How are things on the Ponderosa?

Mr. O'BRIEN. I thank my good friend for yielding. I speak not on behalf of any societies or associations or groups of physicians other than those who practice in the 17th District of Illinois, and for the deans of Loyola University and the University of Illinois Medical Schools. They have serious reservations about this bill and question whether in the long pull, it is in the best interest of biomedical research. I guess the area that most troubles me some is this: There will be something in the nature of 10 to 12 separate authorizations for the several Na-

tional Institutes of Health. If we face the problem that occurs frequently, where the authorization committees are in dispute, and if spirited competition develops among the Institutes, we may find ourselves appropriating for the National Institutes of Health through the unsatisfactory means of continuing resolutions and based on previous noncurrent levels of funding.

My notion is that if we do anything well, we do it in the health area, and I am concerned that we are damaging something of very high quality by a bill designed to produce extremely questionable results.

Mr. CARTER. I thank the distinguished gentleman for his comments, and I will say that we have support for legislation from Dr. Frederickson, the Director of the National Institutes of Health, and also from the Surgeon General Dr. Richmond, and I am pleased to tell the Members that.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, two of our colleagues are retiring this year, and much of the great work of the National Institutes of Health, and so many other of our health programs, are due to their efforts. The first is Dr. TIM LEE CARTER. The other is the very distinguished chairman of the Interstate and Foreign Commerce Committee, the gentleman from West Virginia (Mr. STAGGERS). They have fought over the years for a strong and effective NIH program to conquer disease. I now yield to him such time as he may wish to consume.

Mr. STAGGERS. Mr. Chairman, I am pleased to speak this afternoon in support of H.R. 736, the Health Research Act of 1980.

I have long supported our Nation's biomedical research programs and the National Institutes of Health. This bill advances these research programs. It provides the basis for a renewed effort to conquer cancer, prevent heart disease and detect and cure all the other many disorders which afflict people in the United States and around the world.

H.R. 7036 is the product of more than 6 months work by the Committee on Interstate and Foreign Commerce and its Subcommittee on Health and the Environment. During this period, the many provisions of the bill were thoroughly reviewed by committee members. Innumerable meetings were held with individuals from interested organizations. This bill was extensively revised by the subcommittee and further amendments were adopted by the full committee.

As a result of the extensive deliberations, and the amendments which were adopted, the bill is broadly supported by committee members. It was reported from subcommittee on a unanimous voice vote and by the Commerce Committee on a vote of 23 to 1.

The bill merits the support of every Member of the House. It provides a strong foundation for our biomedical research programs in the eighties.

In particular, I would point out that the provisions of the bill establishing each of the nine smaller institutes in statute insures that the Congress will pay greater attention to these programs

in future years. I am especially pleased that there will be additional interest in and support for the National Eye Institute. Just 2 years ago I had surgery for cataracts, and I am keenly aware of the contributions which can result from research into diseases of the eye.

Again, Mr. Chariman, I am pleased to speak in favor of H.R. 7036. It is the product of careful deliberations in the committee. It is strongly supported by committee members. It will provide for an effective, efficient biomedical research program in the years to come.

The chairman of the subcommittee, and all its members should be congratulated for bringing this bill to the floor; it is a very much needed bill. Mr. WAXMAN has done a good job all through the time that he has been chairman. I would also like to congratulate the staff on the work they are doing. Finally, I would especially like to congratulate the gentleman from Kentucky. I have served with him from the time he has been on our committee, from the time he has been here, and I have never seen him once be influenced by politics where the health of the people of America is concerned. His actions have always been for their betterment. He has been a gentleman with integrity. And no one, Dr. John Cooper or anyone else, could ever point to him and say he has ever put politics ahead of the good of the people. He has always, in my opinion, stood for what was good for America, whether it was in health, or whatever came before our committee. I would attest to that.

I will say this: I am the author of the first bill on heart, cancer, and stroke. Those Institutes have been authorized since 1973, and they have grown far more than the other Institutes have. So now why are opponents objecting to authorizations for the other ones? Let us provide specific authorizations, and then we can get adequate appropriations for them, and maybe they will grow a little bit. So far as heart, cancer, and stroke is concerned, as the gentleman from Kentucky (Mr. CARTER) has said, research in those areas has certainly reduced the incidence of death. Let us put more money into the other Institutes through the authorization process. We will not be playing politics. We will be working to solve the health-care problems that face the American people. I can say honestly that we have tried, and I know that the gentleman from California (Mr. WAXMAN) and all of the other members of the committee have tried, to do what is right for this country. That is our job to do it here. We have tried to do that with this bill. I think we have had interference from the outside. I think it should be re-sented and re-sented deeply. And I do resent it.

This is an important bill. It means so much to America. It needs to be passed now. Let us get on with our job and pass the bill. And let us do it in the next few minutes.

Mr. WAXMAN. Mr. Chairman, I now yield 2 minutes to a very distinguished member of our subcommittee, the gentleman from North Carolina (Mr. PREYER) who has made a great contribution to

this legislation with his amendment to allow authorizations for a fourth year if necessary. This amendment goes a long way toward alleviating the concerns that have been raised about the authorizations provided by this bill.

Mr. PREYER. Mr. Chairman, I rise in support of this legislation. I do want to call attention of the Members to the concern in the scientific community over some provisions of the bill. The committee made a real effort to address these concerns, and I think we have addressed them successfully. I hope and believe that the scientific community will find, as the bill works, that we have answered them successfully. But as the bill goes through conference, as it is administered by HHS, and as we conduct congressional oversight, I think it is important that we keep in mind these concerns of the scientific community to insure that the NIH remains the greatest biomedical research institute in the world.

Mr. Chairman, while I am supporting this bill to authorize funds for the National Institutes of Health, I do want to caution my colleagues about the concern which the scientific community has regarding the far reaching proposal which changes the way biomedical research has been administered by the National Institutes of Health.

In addition to extending the expiring authorities for the National Cancer Institute and the National Heart, Lung, and Blood Institute through 1983, the bill removes the permanent statutory authority under which the other nine Institutes have operated and replaces it with a 3-year time limiting authorization with specific appropriation ceilings. Four former Assistant Secretaries for Health have stated in a letter to the editor of the Washington Post in the August 25 edition that "We are convinced that a long-term Federal commitment to research is by far and away best served by permanent authority of the type contained in section 301 of the Public Health Service Act."

They are concerned about the impact that short-term authorities will have on the progress of biomedical research, which has been phenomenal in this country. Opponents in the scientific community also are convinced about the appropriations ceiling and the effect such a cap will have on any unexpected breakthroughs in research.

In committee we were successful in providing some protection against these concerns through amendments I offered which will provide for an automatic authorization for an additional year should the extension of the programs be delayed unavoidably in 1983. Another amendment provided for an overall authorization of \$100 million to assure that unexpected breakthroughs would be allowed to go forward.

I think the committee has made a real effort to address these objections, and I cannot support efforts to eliminate these authorizing provisions for the National Institutes which currently make their treatment unique from all other aspects of Government. However, there are other aspects of the bill which do concern the scientific community and in view of the importance of biomedical research and

of NIH, I think we shall carefully consider the impact such provisions may have on the future and progress of biomedical research. These include the provisions calling for advisory council discretionary authority to review any contract, regardless of cost, and to mandate such a review of contracts over \$500,000. Councils will also be required to approve grants over \$50,000. Serious questions are raised about the capability involved in these kinds of reviews and whether or not there is sufficient time for the councils to provide the kind of review that should be required. The reporting requirements in the bill may be overly burdensome and thus tend to take away from the basic research activity. The provision which establishes NIH in law and assigns duties and powers to the Secretary of DHHS, the Director of NIH, and the Directors and Advisory Councils of the various institutes are also new and are of particular concern to the scientific community. This would curtail the authority and managerial flexibility of the NIH Director and opponents feel that the NIH has functioned effectively without this explicit delineation of authorities and powers.

Over the past 50 years in which the Federal Government has been involved in the effort to eliminate disease from our midst we have seen phenomenal progress and success. It is my hope that the concerns of our scientific community which contributes so much to this effort of eradicating disease will be sufficiently addressed as we proceed to a Conference with the Senate on finalizing this important Health Research legislation. The National Institutes of Health have been synonymous with the progress of medical development in the world and I am certain the Secretary of DHHS is aware of the strong feeling of the scientific community on this important issue. It is my hope that proper attention can be given to these concerns within the Department as well, and that they be carefully monitored through congressional oversight, to ensure that the NIH remain the 'shining city on the hill' for all biomedical research.

Mr. WAXMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, the Health Research Act, H.R. 7036, would make comprehensive changes in the authority of the National Institutes of Health. I am fully confident that the Interstate and Foreign Commerce Committee, in recommending these changes, is well-intentioned, that the committee's objective is to strengthen NIH. A number of experts in the field, however, have expressed concern to me that some provisions of the bill may frustrate rather than achieve that goal.

During its 50-year history, NIH has amassed an outstanding record. I am sure all of my colleagues are aware of the breakthroughs and progress that have been made in finding the causes and cures for many diseases with the help of the Institutes. With such a record, questions have been raised with respect to the wisdom of substantial changes in the authority for NIH. Would

they improve the agency or merely tamper with it? In particular, a number of academic groups and representatives of medical schools have alleged the limited authorizations would undermine the quality of biomedical research sponsored by NIH, encouraging short-term result-oriented projects rather than those which pursue the fundamental causes of disease but take longer to produce results.

Furthermore, they believe frequent reauthorizations will make biomedical research policy susceptible to politics and special interests. With the whole program coming before the Congress every 3 years, will priorities be set according to the strength of an individual lobby or the health and medical needs of the Nation?

Certainly, the increased oversight and greater budget control these provisions are designed to achieve are desirable objectives and ones I have strongly supported in the past. Nevertheless, it would be unfortunate if they could be brought about only at the expense of advancements in medical research.

After careful consideration, I have concluded that inadequate safeguards have been built into the legislation to protect NIH from overpoliticization. In addition, to make sure the reauthorization process would be meaningful and not meddlesome, I believe it is necessary to establish criteria for evaluating the accomplishments of the various Institutes so that reasoned, objective decisions can be made with respect to reauthorization at the end of the 3-year period.

I am hopeful that conference with the Senate on legislation to authorize the National Institutes of Health will result in modifications leading to stronger protection of the agency against special interest influences and assurance of continued superior biomedical research.

Mr. WAXMAN. Mr. Chairman, I now yield 3 minutes to a very distinguished Member of the House who has been long concerned with biomedical research, the chairman of the Aging Committee, the gentleman from Florida (Mr. PEPPER), to speak on this bill.

Mr. PEPPER. I thank the able chairman and my friend for his kindness in yielding to me.

Mr. Chairman, other than the Nation's honor and its security, nothing is more important to the people of our country than health and nothing is more important to the health of the people of this country than the 11 Institutes in the National Institutes of Health, the preservation and continuity of which are involved in this bill that is before the House today.

□ 1320

I hope I am not being indelicate by saying that I personally have reason to be very grateful for the existence of these Institutes, not only because I was the principal author of five of the Institutes in the other body and co-author of another one, the Cancer Institute, but because in 1976 I had a heart operation. The insertion of a synthetic aortic valve and a bypass of an artery

that I am sure saved and prolonged my life.

The techniques that made possible that operation were developed by the National Heart Institute. How many more in America today are living, grateful for the National Heart Institute and for what it has made possible in their lives. A comparable compendium could be made about the achievements of the other Institutes in the National Institutes of Health.

So this is one of the greatest institutions we have, an institution dedicated to the betterment of health and the prolongation of happy lives for the people of this country.

I especially want to commend the distinguished chairman of the full committee, the gentleman from West Virginia, Mr. HARLEY STAGGERS, for he has been a dedicated chairman of the Committee on Interstate and Foreign Commerce, one of the great committees of this House. His inspiration, his dedication to the cause of the health of the people has immeasurably contributed to a greater and a better America. How fortunate we are to have as the chairman of this subcommittee and the ranking member of the subcommittee respectively, the gentleman from California (Mr. WAXMAN), and the gentleman from Kentucky, Dr. TIM LEE CARTER. No two Members in this body have served with greater distinction and dedication to their people, the people of America, than these two gentlemen.

This is not only a legislative matter, this is a matter of heart because they know what it means to America to prolong these institutions.

The CHAIRMAN. The time of the gentleman from Florida (Mr. PEPPER) has expired.

Mr. WAXMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Florida.

Mr. PEPPER. I want to ask just a few questions and give an opportunity to the distinguished chairman of the subcommittee to answer those questions, because there is some concern, as was said by the distinguished gentleman from North Carolina, among some of the people in the country that for the first time we are authorizing or permitting the authorization by this committee and by the Congress of the funds that may be appropriated for all of the Institutes except Heart and Cancer, which have had authorizations for some time. That is what is disturbing.

As you know, Mr. Chairman, there is great concern in the biomedical research community over several aspects of the time-limited authorization for NIH in the bill.

First, many research projects are, of necessity, lengthy, and 3-year authorizations could jeopardize the stability of these projects, leaving researchers unsure of continued support or discouraging the undertaking of lengthy projects.

Can the gentleman respond on that?

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

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

Mr. WAXMAN. That is an important aspect of biomedical research that we

are talking about, a commitment that will give continuity to research projects over a number of years in order to achieve the success with those projects and in order to keep the commitment of the researcher to engage in those projects.

I think it is important to us to fully support biomedical research with that understanding. Authorizations for research in this area are similar to the authorizations and appropriations for the National Science Foundation and for research done in the area of defense. I do not think those research activities have been hindered in any way.

I expect this would also be the case for the NIH researchers, that we would keep that continuity for the research.

Mr. PEPPER. I thank the able chairman.

Second, some fear that the bill would encourage shortsighted mandates to explore applied uses of research at the expense of basic research, which can have ramifications for understanding many diseases.

The CHAIRMAN. The time of the gentleman from Florida (Mr. PEPPER) has again expired.

Mr. WAXMAN. Mr. Chairman, I yield 5 additional minutes to the gentleman from Florida.

Mr. PEPPER. How would the gentleman prevent this?

Mr. WAXMAN. I believe it is the responsibility of Congress to continue our commitment to biomedical research, particularly basic biomedical research. I believe that decisions regarding the kind of research and how it ought to be conducted are decisions to be made by scientists, not those in political office.

Our responsibility, as I see it, is only in establishing the overall priorities for using the taxpayers' money. In establishing those priorities, basic biomedical research should be continued both intramurally and extramurally by the National Institutes of Health.

Mr. PEPPER. I thank the able gentleman.

Third, I have been concerned that the authorization process, establishing ceilings for the Institutes, could restrict appropriations needed to pursue a scientific breakthrough. The gentleman's bill authorizes \$100 million in discretionary funds to be used by the NIH Director should this happen. How would this work? Would it not mean considerable jockeying among the various institutes for this relatively small amount of money? What other steps would be available for making additional funds available should a promising breakthrough come about, for example, in cancer research?

Mr. WAXMAN. In the area of authorizations, I would expect the Policy Committee to give generous support, by way of authorizations, for each of the Institutes to indicate the relative priority we want placed on each. Insofar as there may be an area of research that shows great promise, that may well even lead to a breakthrough, we have authorized the Committee on Appropriations to appropriate an additional \$100 million over and above the amount

of money authorized for the Institutes. Should that not be sufficient, we in Congress would want to move immediately to take up whatever action may be necessary to continue to promote the research.

I think we have given a great deal of protection so that we can meet any situation that may arise that is not foreseen during that authorization period.

Mr. PEPPER. I thank the gentleman. All of the Institutes, except Cancer and Heart, Lung and Blood, have been authorized under the broad, permanent authority included in section 301 of the Public Health Service Act.

In the past, appropriations have been made without the necessity of an authorization, and the chairman of the distinguished Subcommittee on Labor Appropriations, the gentleman from Kentucky (Mr. NATCHER), and his subcommittee have done a very fine job in that area. When section 301 is so flexible and has worked so well, why is it desirable to bring the other nine Institutes under a limited 3-year authorization?

Mr. WAXMAN. I think it is desirable to authorize all of the Institutes for the same reasons we now have the Cancer Institute and the Heart, Lung and Blood Institute under authorizations. Those two alone constitute almost half of the total budget of NIH. When the Policy Committee, that is looking into how we are going to spend our taxpayers' money on Medicaid and Medicare and spiraling health costs, deals with the policy questions of health, it seems to me that we have to be concerned about preventing disease, doing research so that we can conquer these diseases, prevent them and control them.

In that way I think the Policy Committee, in authorizing funding for biomedical research, will be of help to the subcommittee of the gentleman from Kentucky (Mr. NATCHER), which has handled this area so well in the appropriations. We will help them by establishing levels of funding which will encourage them to be as generous as possible for needed biomedical research.

I thank the gentleman for these questions, because they allow clarification.

Mr. Chairman, I appreciate the concern about the provision of authorizations. Again, I would point out that the two largest Institutes—the Cancer, and Heart/Lung Institutes—have had authorizations for almost a decade. In addition, of course, almost all of the other Federal research programs—those sponsored by the Department of Defense and Energy and the National Science Foundation also have authorizations. The National Science Foundations programs, in particular, have single year authorization bills.

This bill, by providing a 3-year authorization is thus, not unusual. It is the typical congressional process with respect to all programs even research programs.

I appreciate your interest in these programs. I know how much you have done over the years to build NIH into the Institution that it is today. Your accomplishments are enormous.

This bill, and the current work of the subcommittee, builds on your foundation. I, and I am sure the other subcommittee

members, would not like to see harm come to our Nation's biomedical efforts. This bill provides the foundation for strengthening of these efforts in the decade to come.

Mr. PEPPER. As one who was deeply involved with establishing some five of the Institutes of Health, I share the concern expressed by many that this time-limited authorization process could make the NIH subject to the vagaries of changing political situations. I have proposed an approach which might alleviate some of these concerns—namely, that you maintain the 3-year authorizations included in H.R. 7036 at the levels you propose, and add, for each Institute, that such sums as may be necessary be authorized for the subsequent 7 fiscal years. This would carry us through the decade sure in the knowledge that the Institutes would indeed exist. It would give assurances to the biomedical research community that the Institutes would have stability. Moreover, at the time you would ordinarily reauthorize the Institutes under the current provisions of your bill, you could attach specific authorization levels for these out years. I have not offered this as a floor amendment but wish to express my hope that you will consider such an alternative in the course of conference with the Senate.

□ 1330

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. I thank the chairman for yielding.

Mr. Chairman, this is an important bill to reorganize and rationalize our Nation's health research efforts. I join with the chairman, the distinguished ranking minority member, the gentleman from Texas (Mr. GRAMM) who spoke a moment ago in believing that the National Institutes of Health could stand some more vigorous oversight and perform better if subjected to the authorization process.

Mr. Chairman, the Health Research Act of 1980 represents a landmark, cooperative effort on behalf of many members of the House Health and the Environment Subcommittee to reorganize and rationalize our Nation's health research efforts. There can be no doubt that health research is a very proper province for the wise expenditure of Government funds. But, as was made abundantly clear in our subcommittee's hearing sessions, the National Institutes of Health could stand some more vigorous oversight and perform better if subjected to the congressional authorization process. For understanding this issue and for dealing with it so effectively, I commend the efforts of Chairman WAXMAN, our dear colleague Dr. TIM LEE CARTER, and the work of their staffs. They have fashioned an excellent bill.

I am particularly pleased that the legislation retains some of the language which I added to the Public Health Service Act through the Biomedical Research Amendments of 1978. These amendments brought some much needed focus on the environmental causes of cancer to NCI's research. I would like to take some of

the committee's time to discuss the need for NCI—and in fact all of our Nation's consumer protection agencies—to devote thought and action to environmental carcinogenesis.

Cancer is the only major cause of death that has continued to rise since 1900. It is now second only to heart disease as a cause of death and is responsible for the loss of 400,000 lives each year.

One of the most important cancer-related discoveries over the past few years is that perhaps 60 to 90 percent of all cancers may be induced by agents in the environment. The Environmental Protection Agency recently listed 43,000 chemicals in its inventory of chemicals subject to the Toxic Substances Control Act. About 500 new chemicals or compounds are introduced each year. Cancer affects all ages, all sexes, and is an expression of each individual's past exposures to carcinogens in air, water, food, drugs, other consumer products and the workplace.

Some progress in governmental policy is being made. The national toxicology program recently released a two-volume report which focuses on 26 human carcinogens to which Americans are exposed on a daily basis. This "First Annual Report on Carcinogens," which was mandated by one of my amendments, compiles an updated report on these carcinogenic substances, the nature of their human exposures, the toxicity of the agents, the degree to which they act synergistically, and other important data. The entire Department of Health and Human Services is to be congratulated for its efforts on the report.

But more must be done.

We must recognize that although we have spent billions on cancer research that the incidence of this disease still is on the upswing. The annual costs of cancer are about \$30 billion, but the human cost can never be quantified and this is why our task in curing and preventing cancer is so urgent. That is why Congress must be very wary of arguments about "safe thresholds" or "acceptable exposures" to substances known to be carcinogenic. In the wise words of the Toxic Substances Control Committee:

Methods do not now exist for determining a safe threshold level of exposures to carcinogens. Uncertainties in the dose response relationship between specific exposures and cancer risk, unknown factors that influence individual susceptibility to cancer, and unpredictable interactions among cancer-causing agents prevent determination of safe levels for human exposure to a carcinogen. Any exposure, however small, is regarded as an addition to the total carcinogenic risk.

Ideological cost-benefit analyses are no substitute for effective research and cancer prevention. By retaining the language pertaining to environmental carcinogenesis, the Health Research Act of 1980, will continue to direct our cancer research efforts in a balanced direction that will truly benefit the citizens of our Nation.

Again, my thanks to Chairman WAXMAN and to Dr. CARTER—a true gentle-

man who has always written legislation as if people mattered.

● Mr. RAILSBACK. Mr. Chairman, I have grave reservations about H.R. 7036, the Health Research Act of 1980. Basically, the bill authorizes appropriations of funds for the 11 research institutes of the National Institutes of Health (NIH) and makes technical amendments to the Public Health Service Act of 1944. I am concerned about provisions subjecting biomedical research to a short-term authorization and placing a cap on research funds. I feel Members of the House should seriously reflect on the effects of such a change in policy before voting to pass the bill.

Now, 9 of the 11 institutes are under permanent authority rendered in section 301 of the Public Health Service Act of 1944. The exceptions are the National Cancer Institute and the National Heart, Lung, and Blood Institute. Authorizations are only needed for these institutes as well as for programs relating to diabetes, arthritis, and digestive diseases within the National Institute of Arthritis, Metabolism, and Digestive Diseases. However, the Subcommittee on Health and the Environment determined that all 11 institutes should be reauthorized periodically and not have access to fund appropriation under section 301, arguing that inequities and inconsistencies in funding and administration exist, 2 institutes—the National Institute of Allergy and Infectious Diseases and the National Institute of Environmental Health Sciences—have no statutory authority, and Congress—which represents taxpayers—must periodically review NIH programs.

While I cannot argue that the system is perfectly efficient, I do know that NIH scientists and scientists funded by NIH grants have made tremendous advances in the field of biomedical research. Secretary of Health and Human Services Patricia Roberts Harris, although now supporting the committee bill, sent a letter to the chairman of the Interstate and Foreign Commerce Committee, Representative Harley O. Staggers, on March 14, 1980, which stated in an attached critique that—

While the organization of title IV [of the Public Health Service Act] may be confusing, there is no compelling need for a revision at this time.

It goes on to point out:

It may seem peculiar that, while nine of the eleven research institutes are specified in statute, NIH as a whole has no explicit statutory foundation. It has been established within the Public Health Service under existing administrative authorities. As such, NIH has experienced and, in fact, has flourished to become the leading research institute of its kind in the world.

In the same critique, the Department stated that it "must strongly oppose any prohibition against the use of any other authority, particularly section 301, to authorize appropriations for the research programs of NIH . . . Authorizations with specific dollar limits would limit the flexibility to provide amounts thought best for biomedical research."

In other words, until recently the administration opposed section 410(c) (1)

of the bill which subjects biomedical research to the authorization process by not allowing appropriations under section 301 of the Public Health Service Act, and it also opposed setting specific dollar limits to NIH research institutes. One major reason for my concern and for the administration's earlier opposition is the fact that reauthorization bills are not always passed on schedule. In an example cited in the critique, the Department pointed out that funds for the national research service awards, a program for which section 301 funds are already prohibited, were delayed during the 95th Congress because the reauthorization bill was not passed on time and serious problems resulted.

In regard to congressional oversight, I would like to point out that the Appropriations Subcommittee on Labor, Health and Human Services, and Education must approve any appropriations for NIH and therefore, thoroughly studies NIH programs each year. I feel Congress already has adequate oversight opportunities in the appropriations process.

Finally, I understand that, although the Senate bill originally authorized all NIH Institutes on a short-term basis, committee members reconsidered and changed the provision before reporting it to the Senate. So, on June 29, the Senate passed its counterpart to H.R. 7036 with provisions retaining the permanent authority for the Institutes that have it and restoring the same authority to the National Cancer Institute and the National Heart, Lung and Blood Institute.

In conclusion, I have reservations about changing NIH's permanent authorization of funds to a short-term authorization, thereby restricting each research institute by time and spending ceilings. U.S. biomedical facilities are the best in the world, and I think everyone agrees that great advances have been made at NIH and through NIH research grants, contracts, and other support to universities, foundations, and private institutions. Because of the recognized need for Federal support, Congress mandated permanent authority for NIH in the Public Service Act, and I would recommend that all Members seriously consider the implications of changing that policy before voting.●

● Mr. FRENZEL. Mr. Chairman, biomedical research offers perhaps the greatest hope for discovering new ways to prevent disease, to reduce the enormous human suffering and economic losses from illness, and to improve the quality of life and health of the American people. Thus, the bill before us today, the Health Research Act of 1980 (H.R. 7036) offers hope for the future, through the continuation of the National Institutes of Health, which has supported biomedical research programs since its humble beginnings in 1887.

From a one-room Laboratory of Hygiene in 1887, the National Institutes of Health has evolved into one of the world's largest biomedical research centers. Today, NIH consists of 11 major national research institutes: the National Cancer Institute; National Heart, Lung, and Blood Institute; National Institute of Dental Research; National Institute of Arthritis, Metabolism and Digestive

Diseases; National Institute of Neurological and Communicative Disorders and Stroke; National Institute of Allergy and Infectious Diseases; National Institute of General Medical Sciences; National Institute of Child Health and Human Development, National Eye Institute; National Institute of Environmental Health Sciences; and the National Institute on Aging. These 11 research institutes are our Nation's finest biomedical research institutions.

NIH currently accounts for 85 percent of all health research expenditures by the Department of Health and Human Services and 68 percent of federally-sponsored health research spending. In the past decade, the NIH budget has increased from less than \$1 billion in 1970, to a budget of \$3.4 billion in 1980.

The bill before us continues the financial support for biomedical research through a proposed authorization but, at a level that is 23.7 percent higher than for fiscal year 1980, and the average increase in spending proposed for the fiscal years 1981-83 comes to 19.2 percent. By contrast, the annual increase in spending by NIH for fiscal years 1979 and 1980 averaged 13.1 percent. Specifically, the bill authorizes some \$13.982 billion over 3 years as follows: \$4.076 billion for fiscal year 1981, \$4.606 billion for fiscal year 1982, and \$5.300 billion for fiscal year 1983. Finally, the bill allows a 15 percent automatic increase in fiscal year 1984, unless Congress authorizes a different amount in reauthorizing legislation.

Those large increases only mean that Congress cannot bring the appropriation reality up to the authorization aspirations. I would prefer that the authorizing committee had been more priority conscious.

As a matter of fact, the body yesterday passed the 1981 appropriation that this bill authorizes. The appropriation bill reduced the increase we will authorize today by about one half. So much for our commitment.

In spite of Congress failure to balance the fiscal year 1981 budget, and considering that even the most worthwhile programs—as worthy as those included in this bill—are slated for severe budget cuts, I would have been happier to support a reasonable increase for vitally needed biomedical research.

I, too, place a very high priority on finding a cure for cancer, heart disease, kidney disease, arthritis, and other dreadful diseases that are responsible for so much human suffering and severe economic losses. However, I also place a very high priority on the losses and suffering that relate to double-digit inflation that Congress has forced upon the American people.

I will vote for this authorization, but again I do so with regret. We and our constituents know that Congress cannot achieve the spending levels in this bill. On some utopian date in the future, authorizing committees may want to set their own priorities, rather than passing dreams and allowing the Appropriations Committee to set the financial priorities.●

● Mr. BARNES. Mr. Chairman, over the last 35 years the National Institutes of

Health has made extraordinary contributions to both the level of scientific knowledge, and to the treatment and prevention of diseases which affect the lives of millions of Americans. With the NIH's leadership, American researchers have emerged as the undisputed leaders in the world medical and scientific community.

The Health Research Act of 1980 would authorize almost \$14 billion for the NIH over the next 3 years. I am supporting this particular bill, which embodies a new approach of specific congressional authorizations for NIH activities, with some reservations. I am aware of the concerns voiced by many in the biomedical research community that Congress should not take any action which might decrease the emphasis on basic scientific research. There is a real and legitimate role for congressional oversight of all Federal programs, but Congress should not intrude unnecessarily in scientific research or impede the creativity which leads to major breakthroughs.

Nevertheless, I am supporting H.R. 7036, because it provides vital funding increases for health research programs and provides a vehicle which allows the House to move to a conference with the Senate. I am hopeful that the conferees will produce a good compromise approach which will have one major goal—the improved future health of the American people.●

● Mr. BUCHANAN. Mr. Chairman, I rise in opposition to this bill. I am particularly concerned with changes proposed in this bill for section 301 affecting biomedical research. I represent Birmingham, Ala., which is proud to have an excellent biomedical research center at the University of Alabama in Birmingham. I have been contacted by many of the doctors and professors at this institute who, with their substantial expertise in the field of biomedical research, are very much opposed to changes in section 301.

This legislation will replace the permanent program authorities of nine NIH Institutes with short-term authorizations and ceilings for their appropriations.

Biomedical research requires continuous efforts by a wide variety of professionals as they seek new cures for diseases. Many of my constituents fear that the proposed changes in H.R. 7036 demonstrate a weakened commitment of Congress in supporting biomedical research and will politicize, and thus delay, action on future research projects.

I am a proponent of congressional oversight and would not be in favor of exempting an agency from such oversight. It is my understanding that the congressional committees with responsibility in the area of NIH hold various oversight hearings on the research being done and in addition the Appropriation Committee investigates the overall NIH goals.

Biomedical research has contributed, and will continue to contribute, to the health and welfare of the American people. I would certainly hate to see this progress impeded by unnecessary congressional interference.●

● Mr. CORRADA. Mr. Chairman, I rise

in support of H.R. 7036, the Health Research Act of 1980, cornerstone of the Nation's biomedical research program. I also support the amendment by Congressman Young which would provide for increased attention to Reye's syndrome by the National Institutes of Health, and the amendment by Congressman Hopkins which directs the National Institute of Arthritis, Metabolism, and Digestive Diseases to conduct a study of the safety and effectiveness of dimethyl sulfoxide and of its use by patients with arthritis.

Even if we agree with the statement that we Americans are healthier today than we ever have been, we are nonetheless in the dark when it comes to the cause, treatment, and cure of many life-threatening diseases. It was not until recently that the possible wonders of interferon were exposed to the public light. Now, scientists can even alter the genetic makeup of a cell to program it for certain tasks. The Federal Government has to undertake an even more active role in biomedical research to make possible more discoveries such as these. Therefore, the statutory authority of the Federal biomedical research programs should be strengthened.

In my district, Puerto Rico, the National Institutes of Health plays an important role in providing research grants for numerous programs at the medical science campus of the University of Puerto Rico. As a result of its location, this school has provided fertile ground for various research programs funded by NIH such as the Caribbean Primate Research Center, the cancer center, the heart disease program, and the Latin American Center for Sexually Transmitted Diseases, to name only a few.

The cancer center provides investigation and treatment facilities including the physiological effect of the disease, environmental diagnosis, and therapeutic and basic cancer research program. The center keeps a list of all cancer patients in the island which makes it easier for scientists to contact patients for research.

Among the major projects in this area are therapeutic treatment, cancer vaccine studies, and education programs. The center is affiliated with the national radiotherapy and southeastern chemotherapy cancer groups.

The heart disease program sponsored by the Lung and Heart Institute developed a special project by which data on 10,000 adults in Puerto Rico was gathered and a followup on their eating habits, physical characteristics, and so forth, were studied for 10 years or until their death. The data has been computerized and the results will be available within the next 3 or 4 years. It is estimated that the data collected will bring about interesting discoveries relating to heart disease.

The Caribbean Primate Research Center provides a unique program where the genealogy of the primates is traced and a study is made of the different social groups they have formed. These animals were brought to the island in the early fifties. They have aged in a controlled environment thus posing a tremendous potential for the study of the aging process. The center has three sites

and is a very important program with a lot of potential for research.

Mr. Chairman, as you and my other colleagues can appreciate, the programs presently under the sponsorship of the NIH in Puerto Rico provide the means necessary for serious, scientific, and useful biomedical research not only for us, but for the whole Nation as well.

I have only mentioned three of the various other research programs now in effect in Puerto Rico. We should not overlook the importance of these programs. I am confident Puerto Rico will be considered in the near future as one of the most important centers for biomedical research in the Caribbean and the southeast part of the Nation.●

Mr. WAXMAN. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

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

The CHAIRMAN. All time has expired. Pursuant to the rule, it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment, and each section of said substitute shall be considered as having been read.

The Clerk will designate section 1.

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 objection to the request of the gentleman from California?

There was no objection.

The bill reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.* That this Act may be cited as the "Health Research Act of 1980".

SEC. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH  
"ORGANIZATION OF NIH

"SEC. 401. (a) The National Institutes of Health is an agency of the Service. The following national research institutes are agencies of the National Institutes of Health:

- "(1) The National Cancer Institute.
- "(2) The National Heart, Lung, and Blood Institute.
- "(3) The National Institute of Arthritis, Metabolism, and Digestive Diseases.
- "(4) The National Institute on Aging.
- "(5) The National Institute of Allergy and Infectious Diseases.
- "(6) The National Institute of Child Health and Human Development.
- "(7) The National Institute of Dental Research.
- "(8) The National Eye Institute.
- "(9) The National Institute of Neurological and Communicative Disorders and Stroke.
- "(10) The National Institute of General Medical Sciences.
- "(11) The National Institute of Environmental Health Sciences.
- "(12) Each national research institute established by the Secretary under subsection (b).

"(b) (1) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and related programs relating to any particular disease or groups of

diseases or any other aspect of human health when the Secretary determines that an additional institute is necessary to carry out such activities.

"(2) Any institute established under paragraph (1) may be abolished and its functions transferred elsewhere in the National Institutes of Health upon a finding by the Secretary that a separate institute is no longer required for such purposes.

"(3) In lieu of the establishment under paragraph (1) of an additional institute with respect to any disease, diseases, or other aspect of human health the Secretary may expand the functions of any national research institute so as to include functions with respect to such disease, diseases, or other aspect of human health, and the Secretary may terminate such expansion and transfer the functions given such institute elsewhere in the National Institutes of Health upon a finding by the Secretary that such expansion is no longer necessary. In the case of any such expansion of an existing institute, the Secretary may change the title of the institute so as to reflect its new functions.

"(c) For purposes of this title, the term 'national research institute' means a national research institute referred to in subsection (a).

"APPOINTMENT AND AUTHORITY OF DIRECTOR OF NIH

"SEC. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereinafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) The Secretary, and the Director of NIH pursuant to such delegation as the Secretary may prescribe—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and other administrative entities within the National Institutes of Health;

"(3) for the national research institutes and other administrative entities within the National Institutes of Health—

"(A) may—  
"(1) after consultation with the National Institutes of Health Advisory Board, acquire and construct, and

"(ii) improve, repair, operate, and maintain,

laboratories, other research facilities, other facilities, equipment, and other real or personal property (including patents), and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(4) may secure resources for research conducted by or through the National Institutes of Health;

"(5) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive

additional compensation for service on such groups;

"(6) shall assure that research at the National Institutes of Health is subject to review in accordance with section 472;

"(7) may secure for the National Institutes of Health consultation services and advice on persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to carry out effectively this title.

The Secretary may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(c) (1) The Secretary, after consultation with the National Institutes of Health Advisory Board, may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than two hundred experts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2) (A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States.

"(d) There shall be in the National Institutes of Health an Assistant Director to whom the Director of NIH shall delegate the function of promoting the prevention, education, and health information programs of the national research institutes and coordinating such programs between the institutes and between the institutes and other public and private entities.

#### "NATIONAL INSTITUTES OF HEALTH ADVISORY BOARD

"SEC. 403. (a) The Secretary shall appoint a National Institutes of Health Advisory Board (hereinafter in this section referred to as the 'Advisory Board'). The Advisory Board shall advise, consult with, and make recommendations to the Secretary and the Director of NIH with respect to the functions under section 402 and with respect to the policies to be followed in the exercise of such functions.

"(b) (1) The Advisory Board shall consist of—

"(A) twelve members appointed by the Secretary from among the leading representatives of the health and scientific disciplines;

"(B) five members appointed by the Secretary from leaders in each of the fields of

public policy, law, health policy, economics, and management and one member appointed by the Secretary from the general public; and

"(C) such nonvoting, ex officio members as the Secretary may designate to assist the Advisory Board in carrying out its functions. Not less than four of the appointed members of the Advisory Board shall be experts in public health or the behavioral or social sciences.

"(2) Members of the Advisory Board who are officers or employees of the United States shall not receive any compensation for service on the Advisory Board. The other members of the Advisory Board shall receive, for each day they are engaged in the performance of the functions of the Advisory Board, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of the Advisory Board is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and of the members first appointed to the Advisory Board—

"(1) five members shall be appointed for a term of three years,

"(2) five members shall be appointed for a term of two years, and

"(3) three members shall be appointed for a term of one year.

as designated by the Secretary at the time of appointment. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to the Advisory Board before two years from the date of the expiration of such term of office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(d) The chairman of the Advisory Board shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of NIH to be the chairman of the Advisory Board. The term of office of the chairman shall be two years.

"(e) The Advisory Board shall meet at the call of the chairman or upon the request of the Director of NIH, but at least four times in each fiscal year. The Advisory Board may hold such hearings, take such testimony, and sit and act at such times and places as the Advisory Board deems advisable to carry out its functions.

"(f) The Director of NIH shall designate a member of the staff of the National Institutes of Health to serve as the executive secretary of the Advisory Board. The Director of NIH shall make available to the Advisory Board such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of NIH shall provide orientation and training for new members of the Advisory Board to provide them with such information and training as may be appropriate for their effective participation in the functions of the Advisory Board.

"(g) In carrying out its functions the Advisory Board may appoint subcommittees, convene workshops and conferences, and collect data.

"(h) The Advisory Board shall prepare, for inclusion in the annual report under section 404, an annual report respecting the activities of the Advisory Board and including its recommendations respecting the program policies of the Secretary and the Director of NIH.

#### "ANNUAL REPORT

"SEC. 404. The Secretary shall transmit to the President and to the Congress an annual report which shall be prepared by the Direc-

tor of NIH and which shall consist of—

"(1) a description of the activities carried out through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health, a five-year plan for such activities and policies, and such recommendations respecting such policies as the Secretary deems appropriate;

"(2) without revision, the annual report of the National Institutes of Health Advisory Board; and

"(3) the annual reports of the Directors of each of the national research institutes and, without revision, the annual report of the advisory council for each such institute.

Each report shall be submitted not later than November 30 of each year and shall relate to the fiscal year ending on the preceding September 30.

#### "PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

##### "APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES

"SEC. 407. (a) The Director of the National Cancer Institute shall be appointed by the President, and the Directors of the other national research institutes shall be appointed by the Secretary.

"(b) (1) With respect to the human disease or disorder or other aspect of human health for which the institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health,

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and other disorders,

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities, and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the review prescribed under section 472 and advisory council review prescribed by section 408(a)(3)(A)(i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training for which fellowship support may not be provided under section 461;

"(D) shall develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) shall develop, conduct, and support public and professional education and information programs;

"(F) shall secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institutes to appropriate entities and individuals engaged in research activities and cooperate with assist Federal and State agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institutes for their activities, and, in the case of gifts of a value in excess of \$50,000, establish suitable memorials to the donor;

"(I) may secure for the institutes consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local

public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institutes.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, through the Director of each national research institute—

"(A) may approve any contract for resources for research conducted at or through the institute, except that if the total cost of the contract to be approved exceeds \$500,000 the contract may be approved only after the advisory council to the institute has recommended approval of the contract;

"(B) may approve other contracts under paragraph (1) for research or training, except that—

"(1) if the total cost of the contract to be approved does not exceed \$500,000, the contract may be approved only after appropriate technical and scientific review in accordance with section 472, and

"(1) if the total cost of the contract to be approved exceeds \$500,000, the contract may be approved only after appropriate technical and scientific review in accordance with section 472 and recommendation for approval by the advisory council to the institute; and

"(C) may approve grants, and cooperative agreements under paragraph (1) for research or training, except that—

"(1) if the direct cost of the grant, or cooperative agreement to be approved does not exceed \$50,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 472, and

"(1) if the direct cost of the grant, or cooperative agreement to be approved exceeds \$50,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 472 and recommendation for approval by the advisory council to the institute.

"(c) In carrying out subsection (b), each Director of a national research institute shall—

"(1) coordinate the activities of the institute with similar programs of other public and private entities; and

"(2) cooperate with the Directors of other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute.

#### "ADVISORY COUNCILS

"SEC. 408. (a) (1) Except as provided in subsection (1), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the institute on matters related to the activities carried out through the institute and the policies respecting such activities, and (B) shall carry out special functions prescribed by part C.

"(2) Each advisory council for a national research institute shall recommend to the Secretary acceptance, in accordance with section 501, of conditional gifts for study, investigation, or research respecting the disease, diseases, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A) (1) shall (I) on the basis of the materials provided under section 472(d) (2) re-

specting research conducted at the institute, make recommendations to the Director of the institute respecting such research, and (II) periodically review the program of research which is being carried out at the institute and make recommendations to the Director respecting the program, (ii) shall review contracts and applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 407(b) (2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, (iii) shall review contracts proposed to be entered into for resources for research and for which advisory council approval is required under section 407(b) (2) and recommend for approval contracts that will effectively meet the needs of the institute, (iv) may review any grant, contract, or cooperative agreement proposed to be made or entered into and (v) may review the activities carried out under contracts and cooperative agreements referred to in clauses (ii) and (iii);

"(E) may collect information as to studies which are being carried on in the United States or any other country as to such disease, diseases, or other aspect of human health by correspondence or by personal investigation of such studies, and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health profession personnel and scientists and for the information of the general public;

"(C) shall advise the Secretary and the Director of the institute respecting the portion of the funds appropriated for the institute which should be obligated for grants, contracts, and cooperative agreements; and

"(D) may appoint subcommittees and convene workshops and conferences.

"(4) Any advisory council established by the Secretary for a national research institute established under section 401(b) may be terminated by the Secretary when the new institute which occasioned such new advisory council is terminated.

"(b) (1) Each advisory council shall consist of nonvoting, ex officio members and eighteen members appointed by the Secretary. The ex officio members of an advisory council shall consist of the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, or the designees of such persons and such additional officers or employees of the United States as the Secretary deems necessary for the advisory council to effectively carry out its functions. The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Twelve members shall be appointed from among the leading representatives of the health and scientific disciplines relevant to the activities of the institute for which the advisory council is established,

"(B) Five members appointed by the Secretary from leaders in each of the fields of public policy, law, health policy, economics, and management and one member appointed by the Secretary from the general public.

Of the members appointed to each advisory council, not less than four shall be experts in public health or the behavioral or social sciences.

"(2) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect

for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to stagger the terms of the members. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within ninety days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the institute for which the advisory council is established to be the chairman of the advisory council. The term of office of the chairman shall be two years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The advisory council may hold such hearings, take such testimony, and sit and act at such times and places as the advisory council deems advisable to carry out its functions.

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to the advisory council such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) This section does not terminate the membership of any advisory council to a national research institute which was in existence on the date of the enactment of the Health Research Act of 1980. After such date—

"(1) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition prescribed by this section,

"(2) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section, and

"(3) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(h) Each advisory council shall prepare for inclusion in the annual report made under section 404 an annual report (1) respecting the activities of the advisory council in the fiscal year respecting which the report is prepared (2) commenting on the progress of the national research institute for which it was established in meeting its objectives, and (3) making recommendations respecting the future directions and program and policy emphasis of the institute.

"(i) (1) This section applies to the National Cancer Advisory Board, the advisory council for the National Cancer Institute, except that (A) appointments to such Board shall be made by the President, (B) of the members appointed to the Board not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors), (C) the

chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years, (D) the ex officio members of the Board shall be the Secretary, the Director of the Office of Science and Technology Policy, the Director of NIH, the chief medical officer of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission or the designees for such persons, and a medical officer designated by the Secretary of Defense, and (E) the Board shall meet at least four times each fiscal year.

"(2) This section applies to the advisory council to the National Heart, Lung and Blood Institute, except that the advisory council shall meet at least four times each fiscal year.

#### "ANNUAL REPORT

"SEC. 409. The Director of each national research institute shall prepare for inclusion in the annual report made under section 404 an annual report which shall consist of—

"(1) a description of the activities and program policies of the Director of the institute in the fiscal year respecting which the report is prepared; and

"(2) a five-year plan for such activities and policies and such recommendations as the Director of the institute deems appropriate.

#### "AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 410. (a) The following amounts are authorized to be appropriated for the national research institutes:

"(1) (A) For the National Cancer Institute (other than its programs under sections 413 and 415), there are authorized to be appropriated \$400,000,000 for the fiscal year ending June 30, 1972, \$500,000,000 for the fiscal year ending June 30, 1973, \$600,000,000 for the fiscal year ending June 30, 1974, \$750,000,000 for the fiscal year ending June 30, 1975, \$830,000,000 for the fiscal year ending June 30, 1976, \$985,000,000 for the fiscal year ending September 30, 1977, \$923,590,000 for the fiscal year ending September 30, 1978, \$924,500,000 for the fiscal year ending September 30, 1979, \$927,000,000 for the fiscal year ending September 30, 1980, \$1,074,000,000 for the fiscal year ending September 30, 1981, \$1,220,000,000 for the fiscal year ending September 30, 1982, and \$1,376,000,000 for the fiscal year ending September 30, 1983.

"(B) There are authorized to be appropriated for the programs under section 413 \$20,000,000 for the fiscal year ending June 30, 1972, \$30,000,000 for the fiscal year ending June 30, 1973, \$40,000,000 for the fiscal year ending June 30, 1974, \$53,500,000 for the fiscal year ending June 30, 1975, \$68,500,000 for the fiscal year ending June 30, 1976, \$88,500,000 for the fiscal year ending September 30, 1977, \$84,560,000 for the fiscal year ending September 30, 1978, \$90,500,000 for the fiscal year ending September 30, 1979, \$103,000,000 for the fiscal year ending September 30, 1980, \$80,500,000 for the fiscal year ending September 30, 1981, \$91,500,000 for the fiscal year ending September 30, 1982, and \$103,000,000 for the fiscal year ending September 30, 1983.

"(C) There are authorized to be appropriated for section 415, \$90,000,000 for the fiscal year ending September 30, 1981, \$108,000,000 for the fiscal year ending September 30, 1982, and \$130,000,000 for the fiscal year ending September 30, 1983.

"(2) (A) For the National Heart, Lung, and Blood Institute (other than its programs under section 422) there are authorized to be appropriated \$375,000,000 for the fiscal year ending June 30, 1973, \$425,000,000 for

the fiscal year ending June 30, 1974, \$475,000,000 for the fiscal year ending June 30, 1975, \$339,000,000 for the fiscal year ending June 30, 1976, \$373,000,000 for the fiscal year ending September 30, 1977, \$426,320,000 for the fiscal year ending September 30, 1978, \$470,000,000 for the fiscal year ending September 30, 1979, \$515,000,000 for the fiscal year ending September 30, 1980, \$570,700,000 for the fiscal year ending September 30, 1981, \$648,320,000 for the fiscal year ending September 30, 1982, and \$731,300,000 for the fiscal year ending September 30, 1983. Of the sums appropriated under this subsection for any fiscal year, not less than 15 per centum of such sums shall be reserved for programs respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs respecting blood diseases and blood resources.

"(B) There are authorized to be appropriated for the programs under section 422, \$25,000,000 for the fiscal year ending June 30, 1973, \$35,000,000 for the fiscal year ending June 30, 1974, \$45,000,000 for the fiscal year ending June 30, 1975, \$10,000,000 for the fiscal year ending June 30, 1976, \$30,000,000 for the fiscal year ending September 30, 1977, \$30,000,000 for the fiscal year ending September 30, 1978, \$40,000,000 for the fiscal year ending September 30, 1979, \$15,000,000 for the fiscal year ending September 30, 1980, \$45,000,000 for the fiscal year ending September 30, 1981, \$15,000,000 for the fiscal year ending September 30, 1982, and \$50,000,000 for the fiscal year ending September 30, 1983.

"(3) (A) For the National Institute of Arthritis, Metabolism, and Digestive Diseases (other than activities of or relating to the Institute for which appropriations are authorized under subparagraph (B)), there are authorized to be appropriated \$393,798,000 for the fiscal year ending September 30, 1981, \$447,355,000 for the fiscal year ending September 30, 1982, and \$504,616,000 for the fiscal year ending September 30, 1983.

"(B) (1) For each of the advisory boards under section 435 there are authorized to be appropriated \$300,000 for the fiscal year ending September 30, 1981, \$300,000 for the fiscal year ending September 30, 1982, and \$300,000 for the fiscal year ending September 30, 1983.

"(1) (I) For grants for arthritis demonstration projects under section 436(a) there are authorized to be appropriated \$3,000,000 for the fiscal year ending September 30, 1978, \$4,000,000 for the fiscal year ending September 30, 1979, and \$5,000,000 for the fiscal year ending September 30, 1980, and for each of the next three fiscal years.

"(II) For the arthritis data system under section 436(c) there are authorized to be appropriated \$1,000,000 for the fiscal year ending September 30, 1978, \$1,250,000 for the fiscal year ending September 30, 1979, and \$1,500,000 for the fiscal year ending September 30, 1980, and for each of the next three fiscal years.

"(iii) For multipurpose arthritis centers under section 437 there are authorized to be appropriated \$11,000,000 for the fiscal year ending June 30, 1976, \$20,000,000 for the fiscal year ending June 30, 1977, \$18,700,000 for the fiscal year ending September 30, 1978, \$19,000,000 for the fiscal year ending September 30, 1979, \$20,000,000 for the fiscal year ending September 30, 1980, \$14,000,000 for the fiscal year ending September 30, 1981, \$17,000,000 for the fiscal year ending September 30, 1982, and \$20,000,000 for the fiscal year ending September 30, 1983.

"(iv) For diabetes research and training centers and the diabetes data system under section 438 there are authorized to be appropriated \$8,000,000 for the fiscal year ending June 30, 1975, \$12,000,000 for the fiscal year ending June 30, 1976, \$20,000,000 for the fiscal year ending June 30, 1977, \$12,000,000 for the fiscal year ending September 30, 1978, \$20,000,000 for the fiscal year ending September 30, 1979, \$20,000,000 for the fiscal year ending September 30, 1980, \$14,000,000 for the fiscal

year ending September 30, 1981, \$17,000,000 for the fiscal year ending September 30, 1982, and \$20,000,000 for the fiscal year ending September 30, 1983.

"(4) For the National Institute on Aging, there are authorized to be appropriated \$80,780,000 for the fiscal year ending September 30, 1981, \$91,766,000 for the fiscal year ending September 30, 1982, and \$103,512,000 for the fiscal year ending September 30, 1983.

"(5) For the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated \$248,574,000 for the fiscal year ending September 30, 1981, \$282,380,000 for the fiscal year ending September 30, 1982, and \$318,525,000 for the fiscal year ending September 30, 1983.

"(6) For the National Institute of Child Health and Human Development, there are authorized to be appropriated \$241,164,000 for the fiscal year ending September 30, 1981, \$273,962,000 for the fiscal year ending September 30, 1982, and \$309,029,000 for the fiscal year ending September 30, 1983.

"(7) For the National Institute of Dental Research, there are authorized to be appropriated \$78,839,000 for the fiscal year ending September 30, 1981, \$89,561,000 for the fiscal year ending September 30, 1982, and \$101,025,000 for the fiscal year ending September 30, 1983.

"(8) For the National Eye Institute, there are authorized to be appropriated \$163,000,000 for the fiscal year ending September 30, 1981, \$180,000,000 for the fiscal year ending September 30, 1982, and \$200,000,000 for the fiscal year ending September 30, 1983.

"(9) For the National Institute of Neurological and Communicative Disorders and Stroke, there are authorized to be appropriated \$279,268,000 for the fiscal year ending September 30, 1981, \$317,248,000 for the fiscal year ending September 30, 1982, and \$357,856,000 for the fiscal year ending September 30, 1983.

"(10) For the National Institute of General Medical Sciences, there are authorized to be appropriated \$360,600,000 for the fiscal year ending September 30, 1981, \$409,642,000 for the fiscal year ending September 30, 1982, and \$462,076,000 for the fiscal year ending September 30, 1983.

"(11) For the National Institute of Environmental Health Sciences, there are authorized to be appropriated \$96,834,000 for the fiscal year ending September 30, 1981, \$110,003,000 for the fiscal year ending September 30, 1982, and \$124,083,000 for the fiscal year ending September 30, 1983.

"(b) For each national research institute and for each activity for which there is an appropriation authorization for the fiscal year ending September 30, 1983, under subsection (a) there is authorized to be appropriated for the fiscal year ending September 30, 1984, the amount authorized to be appropriated for the preceding fiscal year plus 15 per centum of such amount unless Congress by law authorizes a different amount.

"(c) (1) No funds appropriated under section 301(a) may be used for any activity undertaken by or through a national research institute listed in paragraphs (1) through (11) of section 401(a).

"(2) No funds appropriated under subsection (a) may be used for National Research Service Awards under section 461.

"(d) (1) If the authorization of appropriations under subsection (a) for a national research institute is not sufficient to enable the institute to accelerate research in an area of special promise or to pursue a breakthrough in research, the Director of NIH may, upon request, allocate, from funds appropriated under paragraph (2), to the institute such funds as may be necessary to accelerate such research or to pursue such a breakthrough.

"(2) There is authorized to be appropriated for the period ending September 30, 1983, to the Director of NIH to carry out paragraph (1) \$100,000,000 to remain available for obli-

gation in such period. The Director of NIH may not request an appropriation under this paragraph unless the request has been approved by the National Institutes of Health Advisory Board.

"(3) The Director of NIH shall report annually to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a description of the activities for which funds were provided under paragraph (1) and the amount provided for each such activity.

"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"Subpart 1—National Cancer Institute

"PURPOSE OF INSTITUTE

"Sec. 411. The general purpose of the National Cancer Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to the cause, diagnosis, prevention, and treatment of cancer.

"NATIONAL CANCER PROGRAM

"Sec. 412. The National Cancer Program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes and including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

"CANCER CONTROL PROGRAMS

"Sec. 413. The Director of the Institute shall establish and support demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting the detection, diagnosis, prevention, and treatment of cancer and rehabilitation and counseling respecting cancer to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer, and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

"SPECIAL AUTHORITIES OF THE SECRETARY AND THE DIRECTOR

"Sec. 414. (a) The Secretary, acting through the Director of the Institute, shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange

of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the National Cancer Program—

"(1) may establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) may, with the approval of the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which research can be expected to inure to the benefit of the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) may, with the approval of the advisory council for the Institute, support appropriate programs of education (including continuing education) and training;

"(4) may encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the Institute's advisory council and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6) (A) may—

"(i) with the approval of the Institute's advisory council, acquire and construct, and

"(ii) improve, repair, operate, and maintain, such laboratories, other research facilities, equipment, and other real or personal property (including patents) as the Director deems necessary;

"(B) may make grants for new construction or renovation of facilities; and

"(C) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, with the approval of the Institute's advisory council, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(8) may, subject to section 407(b)(2), enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(9) (A) shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the National Cancer Program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"Sec. 415. The Director of the Institute, under policies established by the Director

of NIH and after consultation with the Institute's advisory council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 473), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer, and (4) demonstration purposes. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 461. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"PRESIDENT'S CANCER PANEL

"Sec. 416. (a) (1) The President's Cancer Panel (hereinafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program.

"(2) (A) Members of the Panel shall be appointed for three-year terms, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member who has been appointed for a term of three years may not be reappointed to the Panel before two years from the date of the expiration of such term of office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the National Cancer Program, and shall report directly to the President. Any delays or blockages in rapid execution of the Program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the Program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the Program and suggestions for improvements, and shall submit such other reports as the President shall direct.

"Subpart 2—National Heart, Lung, and Blood Institute

"PURPOSE OF THE INSTITUTE

"SEC. 421. The general purpose of the National Heart, Lung, and Blood Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"SEC. 422. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"INFORMATION AND EDUCATION CENTER

"SEC. 423. The Secretary, acting through the Director of the Institute, shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Secretary shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases, and

"(2) programs designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES PROGRAM

"SEC. 424. (a) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereinafter in this subpart referred to as the 'Program') may provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will

focus and apply scientific and technological efforts involving biological, physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionation, and distribution of it and its products;

"(7) the education (including continuing education) and training of scientists, clinical investigators, and educators, in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(8) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council to the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council to the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2) (A) may—

"(i) after approval of the advisory council to the Institute, acquire and construct, and

"(ii) improve, repair, operate, alter, renovate and maintain, heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property (including patents) as the Director deems necessary; and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or commu-

nities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 407(b)(2), may enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and nonprofit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

"(c) There shall be in the Institute an assistant director to coordinate and promote the prevention, education, and health information programs of the Institute who shall be appointed by the Director of the Institute.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES

"SEC. 425. (a) (1) The Director of the Institute may provide, in accordance with subsection (b), for the development of—

"(A) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or non-

profit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of, the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 473),

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 461.

#### "INTERAGENCY TECHNICAL COMMITTEE

"SEC. 426. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"Subpart 3—National Institute of Arthritis, Metabolism, and Digestive Diseases

#### "PURPOSE OF THE INSTITUTE

"SEC. 431. The general purpose of the National Institute of Arthritis, Metabolism, and Digestive Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to arthritis and related musculoskeletal diseases, diabetes mellitus and endocrine and metabolic diseases, digestive diseases, and kidney, urologic, and hematologic diseases.

#### "INFORMATION AND EDUCATION CENTERS

"SEC. 432. The Secretary, acting through the Director of the Institute, shall establish—

"(1) an information and education center for arthritis and related musculoskeletal diseases,

"(2) an information and education center for diabetes mellitus and endocrine and metabolic diseases, and

"(3) an information and education center for digestive diseases,

to identify, collect, analyze, and disseminate information respecting the diseases and to serve as a national educational resource for patients with such diseases and their families, physicians, and other health professionals.

#### "ASSOCIATE DIRECTORS FOR ARTHRITIS, DIABETES, DIGESTIVE DISEASES, AND KIDNEY, UROLOGIC, AND HEMATOLOGIC DISEASES

"SEC. 433. In the Institute there shall be an Associate Director for Arthritis and Related Musculoskeletal Diseases, an Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, an Associate Director for Digestive Diseases, and an Associate Director for Kidney, Urologic, and Hematologic Diseases who, under the supervision of the Director, shall be responsible for—

"(1) the coordination of the programs of the Institute respecting arthritis and related musculoskeletal diseases, diabetes mellitus and endocrine and metabolic diseases, digestive diseases, and kidney, urologic, and hematologic diseases, respectively; and

"(2) monitoring and reviewing expenditures and activities of the other national research institutes related to such diseases and the identification of research opportunities in Federal activities related to such diseases and recommendation of means to take advantage of such opportunities.

#### "INTERAGENCY COORDINATING COMMITTEES

"SEC. 434. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis and related musculoskeletal diseases, diabetes mellitus and endocrine and metabolic diseases, and digestive diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Director of NIH shall establish an Arthritis Interagency Coordinating Committee, a Diabetes Mellitus Interagency Coordinating Committee, and a Digestive Diseases Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research involving the diseases with respect to which the Committee is established and shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or his designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for the Secretary and the Director of NIH detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the sixtieth day after the end of each fiscal year.

#### "ADVISORY BOARDS

"SEC. 435. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board, the National Diabetes Advisory Board, and the National Digestive Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex-officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant

to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex-officio members of each Advisory Board: the Director of NIH or his designee, the Director of the Institute or his designee, the Associate Director of the Institute appointed under section 433 for the diseases for which the Advisory Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions.

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with—

"(1) such support staff, and

"(2) such administrative support services and facilities, such information, and such services of consultants,

as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) review and evaluate the implementation of the plan (referred to in section 439) respecting the diseases with respect to which the Advisory Board was established;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Secretary, the Director of NIH, the Director of the Institute, and the head of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the Coordinating Committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data.

"(j) Each Advisory Board shall submit to the Secretary and to the Congress an annual report—

"(1) which describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) which describes and evaluates the progress made in such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) which summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) which contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h) (1).

"(k) Each Advisory Board shall expire on September 30, 1983.

"(l) The National Arthritis Advisory Board and the National Diabetes Advisory Board in existence on the date of the enactment of the Health Research Act of 1980 shall terminate not later than ninety days after such date. The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of such days.

#### "ARTHRITIS DEMONSTRATION PROJECTS AND DATA SYSTEM

"SEC. 436. (a) The Secretary may make grants to public and other nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis screening and detection and for referral for treatment, and for dissemination of information on these methods to the health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 437, and (3) the data system established under subsection (c).

"(b) Projects under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis; and

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis.

"(c) (1) The Director shall establish the arthritis data system for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with asymptomatic and symptomatic types of arthritis, including, where possible, data in-

volving general populations for the purpose of detection of individuals with a risk of developing arthritis.

"(2) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 437, and other persons engaged in arthritis programs.

#### "MULTIPURPOSE ARTHRITIS CENTERS

"SEC. 437. (a) The Director of the Institute may, after consultation with the advisory council to the Institute and consistent with the arthritis plan developed pursuant to the National Arthritis Act of 1974, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis research, screening, detection, diagnosis, prevention, control, and treatment, for education related to arthritis, and for rehabilitation of individuals who suffer from arthritis. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1) (A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and complications resulting from arthritis, including research into implantable biomaterials and biomechanical and other orthopedic procedures and in the development of other diagnostic and treatment methods;

"(B) training programs for physicians and other health and allied health professionals in current methods of diagnosis, screening and early detection, prevention, control, and treatment of arthritis, and in research in arthritis;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for nurses and allied health professionals enrolled in training programs described in paragraph (2) (B).

"(c) Each center assisted under this section may conduct programs to—

"(1) develop new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this

section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(e) The Director shall evaluate on an annual basis the activities of centers receiving support under this section and shall report to the appropriate committees of Congress the results of his evaluations on or before November 30 of each year.

"(f) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

#### "DIABETES RESEARCH AND TRAINING CENTERS; DIABETES DATA SYSTEM

"SEC. 438. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development, or substantial expansion of centers for research and training in diabetes mellitus and endocrine and metabolic disorders. Each center developed or expanded under this section shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and endocrine and metabolic diseases and the complications resulting from such diseases, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications. Insofar as practicable, centers developed or expanded under this section shall be located geographically on the basis of population density throughout the United States and in environments with proven research capabilities. A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in training programs described in clause (B).

"(b) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) The Director shall evaluate on an annual basis the activities of centers developed or expanded under this section and shall report to the Congress, on or before November 30 of each year, the results of his evaluation.

"(d) The Director shall establish the diabetes data system for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes.

#### "ANNUAL REPORT

"SEC. 439. The Director of the Institute shall prepare for inclusion in the annual report made under section 404 a description of the Institute's activities—

"(1) under the current Arthritis Plan under the National Arthritis Act of 1974,

"(2) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act, and

"(3) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

**"Subpart 4—National Institute on Aging****"PURPOSE OF THE INSTITUTE**

"SEC. 441. The general purpose of the National Institute on Aging (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical, social, and behavioral research, training, health information, and related programs with respect to the aging process and the diseases and other special problems and needs of the aged.

**"SPECIAL FUNCTIONS OF THE SECRETARY**

"SEC. 442. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Director of the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of programs and activities assisted or conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs to disseminate as widely as possible the findings of Institute-sponsored and other relevant aging research and studies and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

**"Subpart 5—National Institute of Allergy and Infectious Diseases****"PURPOSE OF THE INSTITUTE**

"SEC. 443. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information, and related programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

**"Subpart 6—National Institute of Child Health and Human Development****"PURPOSE OF THE INSTITUTE**

"SEC. 445. The general purpose of the National Institute of Child Health and Human Development (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to maternal health, child health, human growth and development, including prenatal development, population research, and special health problems and requirements of mothers and children.

**"SUDDEN INFANT DEATH SYNDROME**

"SEC. 446. The Secretary shall, through the Director of the Institute, conduct and support research which specifically relates to sudden infant death syndrome.

**"Subpart 7—National Institute of Dental Research****"PURPOSE OF INSTITUTE**

"SEC. 447. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information, and related programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental diseases and conditions.

**"Subpart A—National Eye Institute****"PURPOSE OF INSTITUTE**

"SEC. 448. The general purpose of the National Eye Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to blinding eye disease, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and

requirements of the blind. The Secretary may, through the Director of the Institute and without regard to section 742, carry out a program of grants for public and private nonprofit vision research facilities.

**"Subpart 9—National Institute of Neurological and Communicative Disorders and Stroke****"PURPOSE OF THE INSTITUTE**

"SEC. 450. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke is the conduct and support of research, training, health information, and related programs with respect to neurological disease and disorders, stroke, and disorders of human communication.

**"Subpart 10—National Institute of General Medical Sciences****"PURPOSE OF THE INSTITUTE**

"SEC. 451. The general purpose of the National Institute of General Medical Services is the conduct and support of research, training, and, as appropriate, health information and related programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

**"Subpart 11—National Institute of Environmental Health Sciences****"PURPOSE OF THE INSTITUTE**

"SEC. 452. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information, and related programs with respect to factors in the environment that affect human health, directly or indirectly.

**"PART D—NATIONAL INSTITUTE OF MENTAL HEALTH****"ESTABLISHMENT OF INSTITUTE**

"SEC. 455. (a) There is established the National Institute of Mental Health (hereinafter in this part referred to as the 'Institute') to administer the programs and authorities of the Secretary with respect to mental health. The Secretary, acting through the Institute, shall, in carrying out the purposes of sections 301 and 303 of this Act and the purposes of the Community Mental Health Centers Act (other than part C of that Act) with respect to mental illness, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of mental illness and for the rehabilitation of the mentally ill. The Secretary shall carry out through the Institute the administrative, financial management, policy development, and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities.

"(b) (1) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

"(2) The Director, with the approval of the Secretary, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities to be carried out through the Institute.

"(c) The programs to be carried out through the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

**"PART E—AWARDS AND TRAINING****"NATIONAL RESEARCH SERVICE AWARDS**

"SEC. 461. (a) (1) The Secretary shall—  
"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Al-

cohol, Drug Abuse, and Mental Health Administration or under programs administered by the Division of Nursing of the Health Resources Administration, in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the national research institutes and Administration or Division of Nursing are directed.

"(ii) training at the National Institutes of Health and at the Administrations of individuals to undertake such research,

"(iii) biomedical and behavioral research at public and nonprofit private institutions (including a research center assisted under part C of this title),

"(iv) research at the National Center for Health Services Research, the National Center for Health Statistics, and the National Center for Health Care Technology,

"(v) training at such Centers to undertake such research,

"(vi) research on the matters set forth in section 304(a) (2) at public institutions and at nonprofit private institutions, and

"(vii) pre- and post-doctoral training at such public and private institutions of individuals to undertake biomedical and behavioral research and the research described in clause (vi), and

"(B) make grants to public and nonprofit private institutions (including a research center assisted under part C of this title) to enable such institutions to make to individuals selected by them National Research Service Awards for research (and training to undertake biomedical and behavioral research and the research described in subparagraph (A) (vi)) in the matters described in subparagraph (A) (1).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residences.

"(3) National Research Service Awards may be made for research or research training in only those subject areas for which, as determined under section 463, there is a need for personnel.

"(b) (1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c) (1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a) (1) (A) (iii), (a) (1) (A) (vi), or (a) (1) (A) (vii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a) (1) (B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a) (1) (B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and

contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Award made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for predoctoral training, and

"(B) three years in the aggregate for postdoctoral training,

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or non-profit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1)(A) Each individual who receives a National Research Service Award shall, in accordance with paragraph (2), engage in—

"(i) health research or teaching or any combination thereof which is in accordance with usual patterns of academic employment,

"(ii) if authorized under subparagraph (B), serve as a member of the National Health Service Corps or serve in his specialty, or

"(iii) if authorized under subparagraph (C), serve in a health-related activity approved under that subparagraph,

for a period computed in accordance with paragraph (2).

"(B) Any individual who received a National Research Service Award and who is a physician, dentist, nurse, or other individual trained to provide health care directly to individual patients may, upon application to the Secretary, be authorized by the Secretary to—

"(i) serve as a member of the National Health Service Corps, or

"(ii) provide services in his specialty for a medically underserved population (as defined in section 1302(7)).

in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(C) Where appropriate the Secretary may, upon application, authorize a recipient of a National Research Service Award, who is not trained to provide health care directly to individual patients, to engage in a health-related activity in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(2)(A) The requirement of paragraph (1) applies to an individual if the cumulative period of the award or awards received by the individual exceeds twelve months. Such requirement shall be complied with by any individual to whom it applies within such reasonable period of time, after the

completion of such individual's award, as the Secretary shall by regulation prescribe.

"(B) The Secretary shall (i) by regulation prescribe (I) the type of research and teaching which an individual may engage in to comply with such requirement, and (II) such other requirements respecting such research and teaching and alternative service authorized under paragraphs (1)(B) and (1)(C) as he deems necessary; and (ii) to the extent feasible, provide that the members of the National Health Service Corps who are serving in the Corps to meet the requirement of paragraph (1) shall be assigned to patient care and to positions which utilize the clinical training and experience of the members.

"(C) The period of service required by paragraph (1) is computed as follows: For each month in excess of twelve for which an individual holds a National Research Service Award, such individual shall—

"(i) for one month engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, or, if so authorized, serve as a member of the National Health Service Corps, or

"(ii) if authorized under paragraph (1)(B) or (1)(C), serve for one month in the individual's specialty or engage in a health-related activity.

"(3)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (2)(A), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \phi \left( \frac{t-s}{t} \right)$$

in which 'A' is the amount the United States is entitled to recover; 'φ' is the sum of the total amount paid under one or more National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(4)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards \$207,947,000 for the fiscal year ending June 30, 1975, \$165,000,000 for fiscal year 1976, \$185,000,000 for the fiscal year ending September 30, 1977, \$161,390,000 for the fiscal year ending September 30, 1978, \$197,500,000 for the fiscal year ending September 30, 1979, \$210,000,000 for the fiscal year ending September 30, 1980, \$222,500,000 for the fiscal year ending September 30, 1981, \$232,991,000 for the fiscal year ending September 30, 1982, and \$262,814,000 for the fiscal year ending September 30, 1983. Of the sums appropriated under this subsection, not

less than 15 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A) and not less than 50 per centum shall be made available for grants under subsection (a)(1)(B) for National Research Service Awards. In any fiscal year not more than 4 per centum of the amount obligated to be expended under this section may be obligated for National Research Service Awards for periods of three months or less.

#### "VISITING SCIENTIST AWARDS

"SEC. 462. (a) The Secretary may make awards (referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

#### "STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 463. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups

or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Sciences or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of NIH.

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Interstate and Foreign Commerce of the House of Representatives and Committee on Labor and Human Resources of the Senate at least once every two years.

#### "PART F—GENERAL PROVISIONS

##### "INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 471. (a) The Secretary shall by regulation require that each entity which applies for a grant or contract under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant or contract assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research—

"(1) which is conducted at or sponsored by such entity,

"(2) which involves human subjects, and

"(3) which is supported by Federal financial assistance,

to protect the rights of the human subjects of such research. This subsection does not apply to research which, as determined under regulations of the Secretary, does not involve risk to human subjects.

"(b) The Secretary shall establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately.

##### "PEER REVIEW

"SEC. 472. (a) The Secretary, after consultation with the Director of NIH, and where appropriate, the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse, and the head of the Division of Nursing of the Health Resources Administration (or the successor to either such entity), shall by regulation require appropriate technical and scientific peer review of—

"(1) applications made for grants and cooperative agreements under this Act for biomedical and behavioral research (including research under programs of such Division of Nursing); and

"(2) biomedical and behavioral research and development contracts to be administered through the National Institutes of Health, the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, or the Division of Nursing of the Health Resources Administration (or the successor to any such entity).

"(b) Regulations promulgated under subsection (a) shall require that the review of grants, contracts, and cooperative agreements required by the regulations be conducted—

"(1) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of the Health Research Act of 1980 to grants under this Act for biomedical and behavioral research, and

"(2) to the extent practical, by peer review groups performing such review on or before such date.

"(c) The members of any peer review group established under such regulations

shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(d) The Director of NIH shall establish procedures for periodic, technical and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

##### "USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 473. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for personal services, stenographic recording and translating services; by contract if deemed necessary, without regard to section 3709 of the Revised Statutes; travel expenses (including the expenses of attendance at meetings when specifically authorized by the Secretary); rental, supplies and equipment, purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of passenger motor vehicles; printing and binding (in addition to that otherwise provided by law); and for all other necessary expenses in carrying out the provisions of this title.

"SEC. 474. The Secretary may, in accordance with section 501, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations of \$50,000 or over for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or institute of suitable memorials to the donors."

Sec. 3. (a) The National Advisory Health Council established under section 217 of the Health Service Act is terminated.

(b) Section 217(a) of such Act is amended—

(1) in the first sentence—

(A) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(B) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(2) in the second sentence—

(A) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health, and";

(B) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(C) by striking out "alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "alcohol abuse and alcoholism"; and

(3) by striking out the third sentence.

(c) Subsection (b) of section 217 of such Act is repealed and subsections (c) through (g) are redesignated as subsections (b) through (f), respectively.

(d) Section 222(c) of the Public Health Service Act is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate."

(e) Section 301(a) of such Act is amended—

(1) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the Department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the Department involved or the National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research";

(2) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "such additional means" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the Department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means"; and

(3) by adding at the end of the section the following: "The Secretary may not carry out this subsection through a national research institute listed in paragraphs (1) through (11) of section 401(a)."

Sec. 4. The Comptroller General shall evaluate the National Research Service Awards program under section 461 of the Public Health Service Act to determine the effect of the program on the number of physicians who enter the various medical specialties. The Comptroller General shall report the results of such evaluation to the Congress not later than January 1, 1983.

Sec. 5. Section 327(j) is amended (1) by striking out "or (4)" in paragraph (5) and inserting in lieu thereof "(4), or (5)", (2) by redesignating paragraph (5) as paragraph (6), and (3) by adding after paragraph (4) the following new paragraph:

"(5) For the purpose of grants under subsection (a) for preventive health service programs for tuberculosis there are authorized to be appropriated \$15,000,000 for the fiscal year ending September 30, 1981, \$17,000,000 for the fiscal year ending September 30, 1982, and \$19,000,000 for the fiscal year ending September 30, 1983."

Sec. 6. The Comptroller General of the United States shall study—

(1) the performance of review functions by advisory councils to the national research institutes under section 408(a)(3) (A) of the Public Health Service Act; and

(2) the performance of review under section 472(d) of the Public Health Service Act of research at the national research institutes. The Comptroller General shall, not later than January 1, 1983, complete the study under this section and report the results of it to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

##### AMENDMENTS OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they be considered en bloc, 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.

The amendments are as follows:

Amendments offered by Mr. WAXMAN: Page 92, strike out lines 2 and 3 and insert in lieu thereof the following: "and subsections (c), (d), (e), and (g) are redesignated as subsections (b), (c), (d), and (e) respectively."

Page 94, insert after line 18 the following: SEC. 7. This Act and the amendments made by this Act do not authorize appropriations for the fiscal year ending September 30, 1980.

Mr. WAXMAN. Mr. Chairman, the two amendments that I have at the desk are technical amendments. One is required by the Budget Act. The provisions of the bill were never intended to take effect until October 1, 1980.

The other amendment is a clarification. It is a renumbering.

I ask that these amendments be approved.

Mr. CARTER. Mr. Chairman, I rise in support of the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. WAXMAN).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WALGREN

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

The Clerk read as follows:

Amendment offered by Mr. WALGREN: Page 71, insert after the period in line 12 the following: "Of the sums appropriated for any fiscal year under section 410 for research by the Institute, not less than \$16,000,000 shall be obligated for basic and clinical research in the area of regeneration of the spinal cord."

Mr. WALGREN. Mr. Chairman, I understand the gentleman from Florida (Mr. YOUNG) has a plane to catch and I do not want to interfere with that.

I will be very brief ultimately, but if the gentleman needs to go forward, I would withdraw the amendment.

Mr. Chairman, I withdraw the amendment at this point, and subsequent to the presentation of the gentleman from Florida (Mr. YOUNG), I would like to be recognized.

The CHAIRMAN. The amendment offered by the gentleman from Pennsylvania (Mr. WALGREN) is withdrawn.

AMENDMENT OFFERED BY MR. YOUNG  
OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment, and 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 Florida?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. YOUNG of Florida: Page 71, insert after line 12 the following new section:

"REYE'S SYNDROME PROGRAMS

"SEC. 451. (a) The Secretary shall establish, through the National Institute of Neurological and Communicative Disorders and Stroke, the Reye's Syndrome Coordinating Committee (hereinafter referred to in this section as the 'Committee').

"(b) (1) The Committee shall be composed of—

"(A) the Director of the National Insti-

tute of Neurological and Communicative Disorders and Stroke;

"(B) the Director of the National Institute of Allergy and Infectious Diseases;

"(C) the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases;

"(D) the Director of the National Institute of Child Health and Human Development;

"(E) the Director of the National Institute of General Medical Sciences;

"(F) the Director of the National Heart, Lung and Blood Institute; and

"(G) the Director of the Center for Disease Control.

"(2) The Director of the National Institute of Neurological and Communicative Disorders and Stroke shall serve as Chairman.

"(3) (A) The Secretary, acting through the Committee, shall make grants to and enter into contracts with public and nonprofit private entities to establish two comprehensive Reye's syndrome diagnostic and treatment centers. Each center shall be located in a single institution.

"(B) A center established under this paragraph shall—

"(i) conduct basic and clinical research relating to the causes, diagnosis, early detection, and treatment of Reye's syndrome;

"(ii) develop new and improved treatments for the detection, diagnosis, and treatment of Reye's syndrome;

"(iii) provide training programs for physicians relating to the early diagnosis, control, and treatment of Reye's syndrome;

"(iv) develop professional education programs and information for physicians relating to the treatment of Reye's syndrome, and disseminate such information;

"(v) develop and disseminate public information relating to Reye's syndrome;

"(vi) disseminate within the scientific and medical communities the results of the research and training conducted under this paragraph; and

"(vii) develop standardized methods of recordkeeping of patient data.

"(C) In considering applications for grants and contracts to establish Reye's syndrome diagnostic and treatment centers under this paragraph, the Committee shall consider among other factors—

"(i) the geographic distribution of reported Reye's cases;

"(ii) the work in progress in Reye's syndrome or similar childhood diseases;

"(iii) the number of persons to be served by the program; and

"(iv) the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts.

"(D) No grant or contract may be made under this paragraph unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(E) The Secretary shall prescribe regulations for the operation of the Committee, and the centers shall report to the Committee from time to time as required by such regulations.

"(F) Grants under this paragraph shall be for no more than three years, except that the Secretary, acting through the Committee, may extend for two additional years the period for grants if he determines, upon review of the activities under the grants by the Committee and consideration of recommendations made by the Committee, that such extension is appropriate.

"(4) (A) The Secretary, acting through the Committee, shall make grants to and enter into contracts with public agencies, nonprofit private entities, and individuals, not associated with the centers established under paragraph (3), to conduct research relating to the

diagnosis, control, and treatment of Reye's syndrome. Such grants and contracts shall be for no more than three years.

"(5) The Secretary shall, not later than April 1, 1984, submit a report prepared by the Committee and approved by the Director of the National Institute of Neurological and Communicative Disorders and Stroke, to Congress. Such report shall account for the activities, accomplishments, and progress of the centers and research grants provided by this section, and shall recommend such further action relating to Reye's syndrome as the Committee determines appropriate.

"(6) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(7) (A) For each center established under paragraph (3), there are authorized to be appropriated \$750,000 for the fiscal year ending September 30, 1981, \$750,000 for the fiscal year ending September 30, 1982, and \$750,000 for the fiscal year ending September 30, 1983.

"(B) There are authorized to be appropriated for grants and contracts under paragraph (4), \$500,000 for the fiscal year ending September 30, 1981, \$500,000 for the fiscal year ending September 30, 1982, and \$500,000 for the fiscal year ending September 30, 1983.

Page 71, line 16, strike out "451" and insert in lieu thereof "453".

Page 72, line 4, strike out "452" and insert in lieu thereof "454".

Mr. YOUNG of Florida. Mr. Chairman, I appreciate very much the gentleman from Pennsylvania accommodating me in this matter. I will be very brief.

I offer this amendment in behalf of myself and our distinguished colleague, the gentlewoman from New York (Mrs. FERRARO). This amendment seeks to create a coordinating committee within the National Institutes of Health. It does not create any more bureaucracy. Rather it deals with research relative to Reye's syndrome. Reye's syndrome is a vicious disease that attacks children without warning and in too many cases causes death within hours.

We seek to authorize the appropriation of about \$1 million a year more than they are now spending, which is about \$1 million, for the purpose of beginning some coordinated research on Reye's syndrome.

The report on the Labor-HEW appropriations bill that we passed yesterday spoke very strongly to the need for a coordinated effort in attempting to find the cause and hopefully a cure to this mysterious disease.

This amendment requests a total appropriation of \$6 million over the next 3 years, \$1,500,000 for the operation of two Reye's syndrome diagnostic and treatment centers for each fiscal year, and \$500,000 for research grants for each fiscal year.

My amendment would provide for the establishment of a Reye's Syndrome Coordinating Committee to make grants to and enter into contracts with public and nonprofit private entities for a 3-year project to establish two comprehensive Reye's syndrome diagnostic and treatment centers.

The centers would serve four basic functions in helping doctors diagnose and treat Reye's syndrome patients. Those functions include: First, conducting basic and clinical research; second, developing new and improved treatments; third, providing physician training programs; and fourth, information

services with respect to the detection, diagnosis, and treatment of the disease.

This amendment would also authorize the Reye's Syndrome Coordinating Committee to provide financial assistance to public agencies, nonprofit private entities, and individuals not associated with the centers, to conduct research on Reye's syndrome.

Reye's syndrome is a mysterious condition which follows outbreaks of influenza or other viral diseases, usually affecting children between the ages of 1 and 18 years of age. However, cases have been reported on young adults up to 22 years of age.

No cure or immunizations exist today for Reye's syndrome.

The mortality rate for Reye's syndrome is between 20 to 40 percent. Many children who do survive, however, can suffer severe brain damage, resulting in either a loss of IQ or serious brain malfunctions.

Patients with the best survival and recovery rate, are children who have received prompt and proper medical attention.

The key lies in the diagnosis of the disease. If more doctors were trained to immediately recognize the symptoms and diagnose the disease, which can often be mistaken for influenza complications, more patients would survive.

If the patient survives, the quality of medical care received determines the degree of brain damage that can result in the patient.

Since Reye's syndrome is not among those diseases which must be reported, statistics on its prevalence are difficult to obtain. However, some States, including Florida, have now required that Reye's syndrome cases be reported to the Center for Disease Control in Atlanta, Ga.

The Center for Diseases Control's preliminary figures on known Reye's syndrome deaths during the 1979-80 influenza season total 66 out of 400 reported cases in the Nation.

Reye's syndrome is the second most frequent cause of brain damage related deaths in individuals less than 19 years of age in the United States.

In all honesty, since so little is known about the disease, I really believe that there should be a first step in combating Reye's syndrome, and I believe my amendment is a good start.

I have discussed this at length with the chairman of the subcommittee and the ranking minority member and other members.

Mr. Chairman, I would like to yield at this point to the cosponsor of the amendment, the gentlewoman from New York (Ms. FERRARO).

Ms. FERRARO. Mr. Chairman, I thank the gentleman for yielding. I want to congratulate the gentleman on his leadership in sponsoring this amendment.

Mr. Chairman, I rise in strong support of the amendment. I want to congratulate the gentleman from Florida on his leadership in sponsoring this amendment. As a sponsor of legislation identical to Mr. Young's, I wholeheartedly support incorporation of this amendment into H.R. 7036.

Reye's syndrome is a little-known and

lesser understood disease which affects children ages 1 to 18 years. The disease, which often follows viral infections like influenza, chicken pox, or German measles, continues to puzzle the medical profession. Its causes and cures are unknown. Nonetheless, it can be successfully managed if the patient is under the care of a pediatrician, neurologist, neurosurgeon, and anesthesiologist familiar with the disease. Sadly, all too often Reye's is fatal because neither the parents nor the family doctor are aware of the disease and its symptoms.

In 1977, 337 suspected cases of Reye's were reported to the Center for Disease Control. Of those cases where CDC knew the outcome, 49 percent of the patients recovered completely, 12 percent suffered residual neurological damage, and 39 percent died.

The neurological damage, caused by the swelling of the brain, varies from slight IQ alterations to serious brain dysfunctions. The problem of this little known disease was brought to my attention by constituents of mine whose 17-year-old daughter died from Reye's 2 years ago. They have founded a chapter of the National Reye's Syndrome Foundation and are working diligently to educate parents of children who might be afflicted by Reye's. As the mother of three teenage children, I am grateful to them for enlightening me. In supporting this amendment, I hope that we can further the educational process and continue to bring Reye's under control.

Adoption of this amendment will mark a major step forward in this fight. Two diagnostic and research centers would be established to conduct research, train physicians, and develop professional education and public information programs. Each center would be funded at \$750,000 a year for fiscal years 1981 through 1983. To assist in the research effort being made by physicians at private facilities, another \$500,000 a year would be authorized for research activities not associated with the two centers. All these programs would be administered and coordinated by the Reye's Syndrome Coordination Committee within the National Institute of Health.

I want to stress one aspect of this amendment that I think is particularly important. Obviously there is a need for expanded research in the diagnostic and treatment areas. But perhaps as important in this case is the effort to inform parents of the dangers of Reye's. The disease usually strikes very quickly, and early recognition by parents can be critical in getting the intense, specialized professional care required to control the disease.

In recent months, public service ads on television have alerted many Americans to the dangers of this childhood killer. But more must be done. I am very pleased that one of the functions of the centers established by this amendment will be to develop and disseminate information on Reye's to the public. By alerting parents as well as medical professionals to this disease, we can take major strides towards eliminating the danger it poses.

Mr. Chairman, this amendment would cost a mere \$2 million a year to combat a disease that robs us of our most price-

less possession—our children. In these times of tight budgets, it is hard to imagine a better way to spend that money. Just 3 years ago, one out of every three children who came down with Reye's died. Today, that figure is down to 1 out of 10. I am hopeful that this amendment, once enacted into law, will eliminate these senseless and tragic deaths entirely. I urge all my colleagues to join me in supporting the gentleman from Florida in this most worthwhile effort.

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

Mr. YOUNG of Florida. I yield to the chairman.

Mr. WAXMAN. Mr. Chairman, I want the gentlewoman to know that what she has said is an excellent reason why I do not oppose this amendment.

I would like to have the House consider this measure before the author has to leave.

I want to express my appreciation for the support of the gentleman for the work being done at NIH and to encourage them to continue their research on this serious disease.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman very much for his comment.

I yield to the distinguished gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I support the distinguished gentleman's amendment.

Mr. YOUNG of Florida. Mr. Chairman, I thank those who have taken part in this debate and for the support that has been offered for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALGREN

Mr. WALGREN. Mr. Chairman, I offer an amendment, and 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 Pennsylvania?

There was no objection.

The amendment is as follows:

Amendment offered by Mr. WALGREN: Page 71, insert after the period in line 12 the following: "Of the sums appropriated for any fiscal year under section 410 for research by the Institute, not less than \$16,000,000 shall be obligated for basic and clinical research in the area of regeneration of the spinal cord."

Mr. WALGREN. Mr. Chairman, I will not take the 5 minutes; but subsequent to the markup of this bill in the House Health Subcommittee, the subcommittee held hearings on the status of spinal cord injury research. This amendment comes out of a consensus that I believe grew out of those hearings. I ask the House to support this amendment which would increase the level of research in spinal cord regeneration to \$16 million per year. These funds would be used to train new investigative researchers and to fund research proposals that have been previously unfunded because of the lack of adequate funds within the NINCDS, which is the National Institute for Neu-

rological Communicative Disorders and Stroke.

This amendment calls attention to a disability which, by its catastrophic nature, devastates thousands of families every year.

At present, injury to the spinal cord invariably results in permanent paralysis. It is most commonly known as a broken neck resulting in quadriplegia where paralysis affects all four limbs or as a broken back resulting in paraplegia where paralysis affects both legs.

Over 300,000 people suffer from spinal cord injury in the United States. Twenty thousand more are injured each year, losing all sensation or ability to move below the level of their injury, primarily young people 16 to 35 years old, confined to wheelchairs for the rest of their lives.

Each of us has many constituents who are victims of this crippling condition. It results from car accidents, sports related injuries, like football, diving and skiing, wounds of violence like gunshots, as well as mundane accidents, like falling from a ladder or step. None of us is immune. At least 2 of our 434 colleagues have members of their immediate families with broken necks.

Personal and financial loss from spinal cord injury is immeasurable. If you set all personal suffering aside, NIH has testified to our subcommittee that the costs to the Federal taxpayer exceed \$2.5 billion per year. This includes medical benefits, rehabilitation costs and social security payments. This \$2.5 billion every year is at least doubled by private sector costs. Thus we are speaking of a disability that leads to a loss approaching \$7 billion every year.

Where there is real hope, any reasonable person would invest in research to make this expenditure unnecessary.

Until recently, spinal cord injury was a permanent sentence of paralysis. Now there is hope within the medical community that nerve regeneration is possible. Researchers now indicate that major breakthroughs in nerve regeneration are close; not tomorrow, but within the foreseeable future.

It is that hope, small but real, that I ask us to make a reality by committing an additional \$8 million per year. This amendment neither adds funds to the bill, nor takes money away from other programs. We ask to designate within the existing NINCDS budget under the bill the expenditure of at least \$16 million a year.

I urge the House to act positively to relieve the suffering of spinal cord injury.

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

Mr. WALGREN. I would be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to thank the gentleman for yielding and to point out to our colleagues the extensive work the gentleman from Pennsylvania has done in bringing to the attention of the committee the exciting possibilities we now see in the area of spinal cord regeneration.

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The amendment the gentleman is offering is not an additional authorization of funds. It dedicates \$16 million to research on regeneration, a modest amount

which will not substantially reduce support for other areas of research.

I want to tell the gentleman I fully support the amendment he is now offering. I join him in urging our colleagues to adopt it.

Mr. WALGREN. I thank the gentleman for his support.

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

Mr. WALGREN. I am happy to yield to the gentleman.

Mr. WHITTEN. I wish to thank the gentleman for offering this amendment and I rise in support of the amendment.

Some years ago I was in Russia and at the airport there was a picture of a dog with a leg having been severed. They presented the story of having successfully replaced it. That was when we knew of nothing like that in this country. We, of course, doubted the accuracy of this story considering how the Russians sometimes exaggerate their accomplishments.

I think when we see the victims of this spinal destruction we certainly owe it to them to pursue any type of progress made in this area. When I saw this picture in Russia years ago about replacing severed limbs, it took our doctors time to catch up with the technique. We should not be afraid of where the expertise is developed but we should get busy and refine the technique. There are many miraculous things that have occurred in the last number of years in the way of transplants, putting back amputations and things of that sort, and I encourage this progress. This amendment goes in the right direction and we should have started this effort a long time ago.

Mr. WALGREN. I thank the gentleman.

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

Mr. WALGREN. I yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, I rise in support of the amendment offered by Mr. WALGREN.

I have had a close and personal experience with the tragedy of spinal cord injury. I was the parent of a total quadriplegic. This was the result of a tragic senseless accident.

I can testify to the frustration and anger that is felt after an accident like this. In addition, the high costs of rehabilitation is enough to financially ruin most families. The Federal Government already has a financial stake in reducing the devastating effects of spinal cord injury. The No. 1 investment is paying for medical bills through Medicaid. No. 2 is paying for rehabilitation. No. 3 is the cost of the loss of not one but three or four members of society, the injured party, the kids, the parents.

I believe that the investment contained in this amendment is inconsequential to the amount of suffering and the cost of rehabilitation and maintenance that results from spinal cord injury.

Congress should not be content to resign our Nation's thousands of quadriplegics to their wheelchairs. I urge your support of the Walgren amendment. It is like a pinhole of light seeping into a dark well at the bottom of which are the helpless, disabled victims of spinal injuries.

Into this well we are pouring dollars for support. Let us put in dollars that add hope—support Walgren which will save dollars and hopefully disabled bodies.

Mr. WALGREN. I thank the gentleman for his support.

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

Mr. WALGREN. I am happy to yield to the gentleman from New York.

Mr. RICHMOND. Mr. Chairman, I rise in support of the Walgren amendment which will give the National Institute of Neurological Communicable Disorders and Stroke an additional \$16 million for spinal cord regeneration research.

At least 10,000 Americans become wheelchair-bound each year. This not only causes immeasurable financial and emotional hardship to the victim and his or her family, but it also creates an enormous drain on the Federal Treasury, through subsidies for health care and rehabilitation services.

Other countries have made a concentrated effort to research ways to aid in spinal cord regeneration. This country, sadly, lags far behind in research in this area. It is ironic that the United States, which boasts of its medical superiority to the rest of the world—a country where people come to seek the most advanced medical treatment—is so ineffective in an area of such crucial importance to so many thousands of our fellow Americans.

The Walgren amendment is an essential first effort to bridge this gap in medical services for the victims of spinal cord injuries.

Recent studies have confirmed that massive injections of steroids into the spinal column immediately following an injury have successfully halted permanent nerve damage. For example: last year in Washington, D.C., a man injured in an automobile accident was paralyzed from the neck down by a spinal cord injury. Thanks to quick-thinking physicians using this new technique, the man's motor functions were restored and he was able to resume his life as before.

The Department of Defense is working on a similar chemical treatment for spinal cord injuries, but it, too, requires injections immediately following an injury. Because the success of these procedures depends on the immediate treatment of an injury, they may be effective for only 1 out of 100 spinal cord injuries, but they are a promising start.

The other area that these appropriations will affect is the field of research for chronic spinal cord injuries. The people who are paralyzed as a result of injuries that occurred 5 or 10 years ago are in desperate need of new medical procedures that will free them from their wheelchairs. The steroid treatments will be too late to be of help to them. However, there are several new methods for chronic spinal cord injuries in the developmental stages at New York University, George town University, and other research centers around the country—but, without additional funding, these methods will remain in the developmental stages.

The appropriations for spinal cord research provided by the Walgren amendment may lead to new breakthroughs

that will benefit the many thousands of people afflicted by spinal cord injuries.

I strongly urge support of the Walgren amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent Mr. WALGREN was allowed to proceed for 3 additional minutes.)

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

Mr. WALGREN. I am happy to yield to the gentleman from California.

Mr. MINETA. Mr. Chairman, I would like to urge my colleagues to support the amendment offered by my good friend and colleague from Pennsylvania (Mr. WALGREN).

My congressional district is fortunate to have 1 of the 17 spinal cord injury rehabilitation centers. I have had the opportunity to visit the center at Santa Clara Valley Medical Center in San Jose and to witness the fine program they have established there. But the fact remains that even with rehabilitation the struggle these people face throughout the rest of their lives is overwhelming.

While the rehabilitation work must continue, we also need to direct emphasis to regenerative research on the spinal cord. We have provided funds to programs which seek to enable the spinal cord injured to live with their handicap. We also need to direct funds to a cure.

It is important to point out that this amendment does not increase the authorization level. It merely specifies that regeneration research on the spinal cord be allocated \$16 million of the available funds.

Mr. Chairman, I hope my colleagues will agree that this priority should be given and will support this amendment.

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

Mr. WALGREN. I yield to the gentleman.

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

Mr. WALGREN. I am happy to yield to the gentleman.

Mr. FRENZEL. I thank the gentleman for yielding. I thank the gentleman for bringing this amendment to the House. I think it is an important one and I hope it will be supported.

Mr. WALGREN. I thank the gentleman for his support.

● Mr. BRINKLEY. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague from Pennsylvania (Mr. WALGREN) who has spearheaded the drive for spinal cord regeneration funding. Recent progress in the splicing of severed nerve endings offers great promise, and, as a cosponsor of H.R. 4358, I firmly believe that further research into spinal cord regeneration is absolutely vital.

Today, more than 250,000 Americans suffer spinal cord injuries, with a new injury occurring every 40 minutes. This year alone will see 15,000–20,000 new cases, and over 90 percent of the victims will be under 35 years of age. Every week hundreds of healthy, able-bodied Americans are severely maimed and often permanently paralyzed from tragic car wrecks and accidental falls

across this country. I know the personal torment with which they must be faced.

The extreme handicaps endured by paralysis victims demand new treatment programs to ease their pain. I have been heartened to see, firsthand, the exciting programs now being offered to the spinal cord injured at Warm Springs Hospital, in my district. We have now before us, through passage of this amendment, the opportunity to fund crucial spinal cord regeneration research which may enable the lame to walk and to run as freely as each of us in this Chamber can today.

Dr. Donald Tower, Director of the National Institute of Neurological and Communicative Disorders and Strokes, said recently, on the promises of regeneration, "The view that there is no hope of restoring the nerve pathways—the view you would have heard from virtually every scientist not long ago—is no longer held."

Mr. Chairman, let us provide today the research funds that may dramatically decrease the number of victims forced to live a life of dependency, forever confined to Stryker frames and wheelchairs. In good conscience, we can do no less. ●

● Mr. MURTHA. Mr. Chairman, I want to congratulate Congressman WALGREN and Chairman WAXMAN for the work they have done on this amendment concerning regeneration research on the spinal cord. I was very pleased to join as a cosponsor of Congressman WALGREN's original bill.

A couple weeks ago, Mr. Chairman, we had a terrible flood in the area of Bradys Bend, Pa. As I toured the area, I met a young man named Carl Stimac. Carl was a student at East Brady High School and a football player. In a game against Karns City High School on October 21, 1978, Carl received an injury that severed his spinal cord, leaving him permanently paralyzed. As difficult as it is for his family during regular times, on the night of the flood as the water rose in the family's basement and entered the kitchen, they had to carry Carl to the second floor and hope the rising water would subside. Finally, it did, but not before they had to use battery radios to keep his resuscitator going. Once the water cleared, they found it had moved the special van used for transporting him at least a quarter of a mile down the stream, and he later told one of my staff, that someone even stole the CB unit out of the van.

I greatly admire the effort by Carl to overcome his difficulties. And we also need to recognize the tremendous courage and dedication of his family.

But I am sure that this story—or a similar one—can be repeated by thousands of families across America whose families have unfortunately had someone incur a serious spinal cord injury. That is why this amendment today is so important—vital, in fact, to get the Nation moving toward finding ways to help these individuals recover.

I strongly support this amendment and urge its adoption. ●

Mr. MARRIOTT. Mr. Chairman, I rise in support of the amendment of my distinguished colleague from Pennsylvania.

The total number of people in this country who have suffered spinal cord

injuries is conservatively estimated at 200,000. It may well be closer to the estimate of 500,000 offered by the gentleman from Pennsylvania.

The annual national cost of care for persons with spinal cord injury is estimated by the Paralyzed Veterans of America to be in the neighborhood of \$3 billion.

To the individual with the injury, the cost is just as great. The PVA estimates that a quadriplegic—a person paralyzed from the neck down—will incur lifetime medical costs of approximately \$700,000 to \$1 million. Let me emphasize the point that we are talking about the medical costs to a single individual.

To the individual paralyzed from the waist down, a paraplegic, lifetime medical costs are about \$250,000 to \$500,000.

To these costs must be added the cost of the potential permanent unemployment of the individual: There is an additional cost to the Gross National Product, the loss of personal income taxes, the expense to the Government of disability insurance payments, and additional expenses for other Government programs.

Next to these figures, the \$16 million called for by the amendment of my friend from Pennsylvania is a small figure indeed.

I would like to suggest, however, that the cost to society of spinal cord injury is not the only reason to fund additional research in this area. A second equally important reason is that there is a promise of success. In other words, it will be a wise investment of taxpayers' dollars.

Dr. Franklin D. Collins, assistant professor of anatomy at the University of Utah Medical Center, told me—

This is a very promising area of research. We are beraking ground toward answering questions which may well hold the key to ultimate success in spinal cord regeneration.

In Dr. Collins' words, it has become "almost routine" to restore severed limbs and to restore the functions in parts of the peripheral nervous system. He notes that for some reason, the nerves in the spine and brain, the central nervous system, do not work that way. Dr. Collins says finding the answer to why they do not work that way may hold the key to laying the foundation for an artificial process that will help them regenerate. As one writer put it, "The machinery seems to be there."

In the July 18, 1980, issue of Science magazine, the following observation was made about those attending a conference on spinal cord regeneration:

The participants came away pleasantly surprised by the news that the potential for regeneration of the neurons of the mammalian central nervous system is greater than they had thought.

That was in 1970, 10 years ago, and we have come a long way since then.

Just last year Dr. Donald Tower, head of the National Institute of Neurological and Communicative Disorders and Stroke, noted—

The view that there is no hope of restoring the nerve pathways—the view you would have heard from virtually every scientist not long ago—is no longer held.

Research is our only hope for comprehending the complexities of the central nervous system and for putting back to-

gether the lives interrupted by spinal cord injury. In very recent years technological advances have made improved and more promising research possible.

In short, the cost of funding spinal cord regeneration research in the amount proposed in this amendment is far from too high. In fact, if anything, given the cost both to society and to the individuals concerned, it may not be high enough.

Second, there is reason to hope the research will bear tangible, measurable fruit.

For these two very important reasons, as well as those stated so eloquently by the gentleman from Pennsylvania, I urge my colleagues to support this amendment.

● Mr. SANTINI. Mr. Chairman, I rise in support of my distinguished colleague, Mr. WALGREN's, amendment to H.R. 7036, the Health Research Act.

As the parent of a child born with spinal bifida, I have a personal knowledge of the tragedy caused by spinal defects.

Millions of Americans have spinal cord defects as a result of accident or birth. There is no better way to express our commitment to assisting these individuals than to authorize funds for research on spinal cord regeneration. I can think of no better commitment of government resources than to give someone the ability to walk again.

I am very proud of the efforts of a Nevada-based organization to further research into this area. "Help them walk again" has been instrumental in the search for a method of helping current and future victims of spinal injury. This organization was organized by JoAnne Toadvine of Las Vegas, who has devoted endless energy and personal commitment to this cause. This young organization has brought together some of the world's leading experts on spinal regeneration for international conferences. They have done a great deal to heighten the public's awareness of the tragedy of spinal injury. We all owe a debt of gratitude to Ms. Toadvine and all of the dedicated volunteers in help them walk again.

Mr. WALGREN's amendment is an important first step toward achieving this medical breakthrough for which help them walk again has been working with such great enthusiasm. Spinal regeneration is presently only a scientific hope and aspiration. Let us begin to make this dream a reality by passage of this amendment. Thank you.

● Mr. GOLDWATER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania. The importance of the amendment's cause cannot be underestimated. I would like, at this time, to share with my colleagues a few frightening statistics:

Every 40 minutes, someone will suffer a spinal cord injury; 300,000 spinal cord injured victims are estimated to live in the United States today, with over 10,000 new cases annually; and the cost to the American taxpayer to sustain SCI victims is over \$6½ million per day.

Mr. Chairman, spinal cord injuries are a terribly debilitating handicap. The

gentleman from Pennsylvania's amendment would require the National Institute of Neurological and Communicative Disorders and Stroke to set aside \$16 million of its annual appropriations to study spinal cord regeneration.

I support this amendment. In southern California, a research project has been proposed which would evaluate the relation between sleep disorders and spinal cord injuries. Several of my colleagues and myself have been working hard to support funding for such research in an effort to one day find a cure for spinal cord injuries. This amendment would take one more step in that direction, and deserves the support of this House.

● Mr. HARRIS. Mr. Chairman, I appreciate the opportunity to speak on behalf of the Walgren amendment, which authorizes \$16 million for fiscal year 1981 to finance spinal cord regeneration research.

Mr. Chairman, a day does not pass, a newspaper is not published without an article describing a sporting accident which ends a fine athletic career or a devastating automobile accident which often cuts down a man, woman, or child in the prime of life. If the injury affects the spinal cord, the result usually is some type of paralysis. Although advanced technology allows the spinal cord victim to meet most of the demands of daily living, the human suffering is immeasurable. There is always the threat of deterioration of either physiological, sociological, or the psychological state—and the fear of this is constant. The human cost shows up in the high number of suicides that are reported of paraplegic victims.

Nevertheless, we are not here today to focus on the morbid. Those same newspapers which chronicle the multitudes of stories of spinal injuries are now beginning, with increasing frequency, to report the new discoveries of the possibility of nerve regeneration in spinal cord injury. Scientific papers on the subject have increased from only a few in 1970 to over 500 last year. Experts in the field are excited about new possibilities in finding cures. They, along with those who are suffering from paralysis are looking up to us for the funds necessary for research. The right step has been taken in establishing the interagency task force on spinal cord injury. Now we must act. When we consider the human cost as well as the economic loss to our paraplegics, commonsense as well as compassion demands that Congress support this funding.

Mr. WALGREN. I would simply urge the support of this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALGREN). The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS of Texas: Page 25, line 20, strike out "\$1,074,000,000" and insert in lieu thereof "\$1,051,600,000".

Page 25, line 21, strike out "\$1,220,000,000" and insert in lieu thereof "\$1,189,100,000".

Page 25, line 22, strike out "\$1,376,000,000" and insert in lieu thereof "\$1,345,600,000".

Page 27, line 5, strike out "\$570,700,000" and insert in lieu thereof "\$551,700,000".

Page 27, line 6, strike out "\$648,320,000" and insert in lieu thereof "\$630,000,000".

Page 27, line 8, strike out "\$731,300,000" and insert in lieu thereof "\$713,600,000".

Page 28, line 8, strike out "\$393,798,000" and insert in lieu thereof "\$350,600,000".

Page 28, line 9, strike out "\$447,355,000" and insert in lieu thereof "\$395,200,000".

Page 28, line 11, strike out "\$504,616,000" and insert in lieu thereof "\$446,500,000".

Page 30, line 8, strike out "\$80,780,000" and insert in lieu thereof "\$79,200,000".

Page 30, line 9, strike out "\$91,766,000" and insert in lieu thereof "\$89,600,000".

Page 30, line 11, strike out "\$103,512,000" and insert in lieu thereof "\$101,400,000".

Page 30, line 15, strike out "\$248,574,000" and insert in lieu thereof "\$243,700,000".

Page 30, line 16, strike out "\$282,380,000" and insert in lieu thereof "\$275,700,000".

Page 30, line 17, strike out "\$318,525,000" and insert in lieu thereof "\$312,100,000".

Page 30, line 21, strike out "\$241,164,000" and insert in lieu thereof "\$236,400,000".

Page 30, line 22, strike out "\$273,962,000" and insert in lieu thereof "\$267,400,000".

Page 30, line 23, strike out "\$309,029,000" and insert in lieu thereof "\$302,700,000".

Page 31, line 3, strike out "\$78,839,000" and insert in lieu thereof "\$77,300,000".

Page 31, line 4, strike out "\$89,561,000" and insert in lieu thereof, "\$87,400,000".

Page 31, line 5, strike out "\$101,025,000" and insert in lieu thereof "\$98,900,000".

Page 31, line 8, strike out "\$163,000,000" and insert in lieu thereof "\$127,800,000".

Page 31, line 9, strike out "\$180,000,000" and insert in lieu thereof "\$144,600,000".

Page 31, line 11, strike out "\$200,000,000" and insert in lieu thereof "\$163,600,000".

Page 31, line 15, strike out "\$279,268,000" and insert in lieu thereof "\$273,800,000".

Page 31, line 16, strike out "\$317,248,000" and insert in lieu thereof "\$309,900,000".

Page 31, line 18, strike out "\$357,856,000" and insert in lieu thereof "\$350,600,000".

Page 31, line 22, strike out "\$360,600,000" and insert in lieu thereof "\$353,500,000".

Page 31, line 23, strike out "\$409,642,000" and insert in lieu thereof "\$399,900,000".

Page 31, line 24, strike out "\$462,076,000" and insert in lieu thereof "\$452,400,000".

Page 32, line 3, strike out "\$96,834,000" and insert in lieu thereof "\$94,900,000".

Page 32, line 4, strike out "\$110,003,000" and insert in lieu thereof "\$107,400,000".

Page 32, line 5, strike out "\$124,083,000" and insert in lieu thereof "\$121,500,000".

Mr. COLLINS of Texas (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 Texas.

There was no objection.

Mr. COLLINS of Texas. Mr. Chairman, I have a very lengthy amendment. Basically there has been a change in this amendment situation since yesterday, but I wanted to tell my colleagues what was involved when our committee made our authorization in this bill. My amendment would simply authorize an increase in the 1980 appropriation of 13 percent rather than 21 percent, which is what we authorize for 1981 in the bill that we have before us. The 13-percent figure is based on the fact that President Carter next year anticipated 13-percent inflation, and also was based on the fact that 13 percent is about what we have been

maintaining in the normal appropriations of this type.

But what happened is this, and it is discouraging that we do it in our legislative process: We took up yesterday the appropriation bill before we got to this authorization bill. In other words, the House has already appropriated the money, and today we come in here and talk about authorizing it.

Yesterday was quite an appropriation. Most of the Members probably did not realize how much money we appropriated because we handled the bill so fast. But we appropriated in this one appropriation bill, we appropriated \$274,398,000,000. We passed through \$274 billion, and it was only later that I learned from my distinguished friend from Kentucky (Mr. CARTER) that this section had been part of it. Yesterday we had a most lengthy appropriation. I want to say this about the \$274 billion appropriation because I commend them for the way they handled it. They came through with less of an appropriation on this section than we had authorized. In other words, in our authorization we were talking about increasing 21 percent, but in their overall appropriation they only had increased it by 11 percent.

Basically we are talking in this bill about a very, very serious issue. We are talking about legislating a 3-year authorization. What does it mean to have a 3-year authorization when we do not even pay any attention to the first year, and we go ahead and authorize and appropriate? It is just a mumbo-jumbo system.

The second thing we are talking about is health. The way to cover health by authorization is just the way the distinguished gentleman from Pennsylvania (Mr. WALGREN) did when he brought out this spinal cord issue and everyone here saw the value of it. They have the opportunity to discuss research and developments which is what authorizations are all about. It is to have a consensus viewpoint. But for Congress, for Congress, a bunch of laymen, to try and define what should be the medical research of the country, is just beyond my comprehension.

What we are doing in this authorization bill is going at it the wrong way. To prove how we go at it in the wrong way, we started out by asking for a 21-percent increase when Appropriations had not asked for that much themselves. Now when we talk about health, let us remember Congress is a very generous group. Our appropriations are most generous, our authorizations are always generous.

Today health makes up 50 percent, 50 percent of the budget of this country.

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

Mr. COLLINS of Texas. I yield to the gentleman.

Mr. STAGGERS. I appreciate what the gentleman is saying. I know he is very sincere. Does the gentleman know that during the Second World War, when we faced that crisis in the security of this Nation, every item that the military needed had to come before an authorizing committee for an authorization before it went to the Appropriations Com-

mittee. If we do not do that here in peacetime, if we do not take the time for such an important step, I think it would be a great mistake.

Mr. COLLINS of Texas. I would tell the chairman that I was over in France at the time that they were using that procedure. We won the war. Now let us help Congress maintain a sound peace.

Mr. STAGGERS. I was in the Pacific. I was injured in the Pacific. So I was a part of the war. I know that the military had to come every year to get an authorization and an appropriation. I think if we can do that in the time of war, then we can take the time to do that in a time of peace.

Mr. COLLINS of Texas. Of course in time of peace we have a different budget situation. At the time of the war most of the money was going for immediate war commitments.

□ 1350

Now while we are spending so much on health, I would rather the doctors determine how we spend it on health instead of having technical medical decisions being made by Congressmen sitting here in the House.

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

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

Mr. Chairman, I rise in strong opposition to this amendment which would reduce the amount of money that we are going to authorize for the work being done at the National Institutes of Health. The authorizations included in this bill indicate our commitment to biomedical research. It is at a higher level, as it turns out, for 1981 than the Committee on Appropriations has appropriated, but that is not unusual. Often the authorization committees authorize sums in excess of what the Committee on Appropriations is willing to spend. This is understandable because the Committee on Appropriations has the authorizations as their maximum ceiling. I think we ought to keep the committee authorization levels as an indication of our clear commitment to fight these dreaded diseases. We are talking about cancer, heart, lung and eye diseases. Let us keep our support clear and strong for that work that is being done.

I would hope that the Members would join me in opposing this amendment.

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

Mr. Chairman, in a perfect world, there would be little reason to object to anything in this bill. Everyone is for health research and all of us acknowledge the tremendous contribution the National Institutes of Health have made over the years in terms of medical research breakthroughs. But, sad to say, this is not a perfect world; 1980 is not a year in which we, as a nation, can financially afford anything and everything our governmental heart desires. Rather, 1980 has been a year when the weakness of our financial position has been all too evident; its susceptibility to inflationary spurts all too obvious. Moreover, succeeding years could be even worse if we

do not correct the one thing that has been most responsible for 1980 having been a year of high inflation, high interest rates, higher unemployment, and recession. And, that one thing is excess Federal spending, authorized and then appropriated by the Congress.

The bill we have before us today is essentially a trade-off. In exchange for being subjected to the authorization as well as the appropriation process, the 11 National Institutes of Health are authorized even bigger increases in spending then they have enjoyed in recent years. Specifically, the authorization level called for in H.R. 7036 is 28.2 percent higher, for fiscal 1981, than the level of appropriations provided the Institutes in 1980. Then, for fiscal 1982, another 13-percent increase is contemplated, followed by a 12.9-percent increase in 1983.

While I am not sure how we can expect to reduce inflation by increasing spending to compensate for it, there is a certain degree of logic in the 13-percent and the 12.9-percent increases for fiscal 1982 and 1983. It is the 28.2-percent increase in fiscal 1981 that seems out of line, especially in view of the fact that appropriations for NIH only increased 9.3 percent in fiscal year 1980 and 15.5 percent the year before that.

Since the increase in spending by NIH increased 13.12 percent these last 2 years, the amendment I am supporting today would simply continue that trend. Rather than authorization increases of 28.2, 13, and 12.9 percent, it would provide that authorizations under section 410 of this bill would increase by 13.12 percent each of the next 3 fiscal years. Adoption of this amendment would result in a savings of \$503 million over the 3-year period; \$147.1 million the first year, \$174.2 million the second year, and \$182.6 million the third.

For past experience, I know the counter-argument will be—it is only half a billion—a mere drop in the bucket compared to total Federal spending—and the money is going for a cause near and dear to the hearts of all Americans—good health. But drops in the bucket add up. Just last week similar arguments were offered in support of a mental health bill that will triple authorization levels by fiscal year 1984. Next week, or the week after, it will be a health manpower bill calling for an authorization increase of 19.2 percent in fiscal 1981. And then it will be medicare and medicaid reform bills that will add almost a billion dollars to spending by 1985. Where do we draw the line? When do we start worrying about the financial health of the American taxpayer? And why is there no recognition of the fact that worry over how to raise a family in the face of rising taxes and inflation can, and does, cause both physical and mental health problems for a great many people. In fact, worry and strain are a major contributory factor to ill health in this country.

I could go on, but rather than do so, just let me add one final thought; the quicker we put the Nation's financial house in order, the more money will be available for health research—if not from public sources then from private

ones. After all, everyone benefits from a healthy economy, including the foundations that, along with NIH, have done so much to promote health research. What we are arguing here is not the end result, but the means of obtaining it, and I think this amendment offers a better way with less risk for all concerned. I urge its adoption.

Mr. CARTER. Mr. Chairman, I move to strike the last word. What I say on this will be extremely brief.

I strongly oppose the amendment offered by the distinguished gentleman from Texas (Mr. COLLINS). I believe the health of our country is much more important than the small authorization diminutions that the sponsors of this amendment recommend. Actually, we authorized more to give their appropriations more flexibility in case they need more funds for breakthroughs or to pursue possible promising research results. I would hate to oppose money which would help us to find the cause or the cure for cancer.

Some years ago we had appropriation legislation for HEW vetoed, and it was brought up here and overridden. At that time the statement was made that 1 in every 4 had the possibility of having cancer. Within that year, before the year was out, the Vice President's wife had cancer and the President's wife had cancer. You remember that. As it happens, fortunately, both of them are well as far as we know today.

We want to continue to improve our methods of treatment. We want to find the cause of these diseases, and we cannot do it without assistance. We cannot do it by cutting back. We have got to regard the poor and the sick and to do something for them, as I see it.

I strongly oppose the amendment, and I move the previous question.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. COLLINS).

The question was taken; and on a division (demanded by Mr. ROUSSELOT), there were—ayes 4, noes 15.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MOFFETT

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

The Clerk read as follows:

Amendment offered by Mr. MOFFETT: Page 53, line 8, strike out "and"; insert "and" at the end of line 10; and insert after that line the following:

"(4) an information and education center for kidney, urologic, and hematologic diseases."

Page 54, beginning in line 17, strike out "and digestive diseases" and insert in lieu thereof "digestive diseases, and kidney, urologic and hematologic diseases".

Page 55, line 3, strike out "and" and in line 4 insert after "Committee" a comma and the following: "and a Kidney, Urologic, and Hematologic Diseases Interagency Coordinating Committee".

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

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

There was no objection.

□ 1400

Mr. MOFFETT. Mr. Chairman, I will not take a great deal of time with this amendment. It is fairly straightforward.

Before yielding to the chairman of the subcommittee, as I understand we spent \$790 million on kidney dialysis last year and in about 20 percent of the cases, if we had early detection of the symptoms we could have avoided a great deal of expenditure.

This simply says that those information dissemination systems that the distinguished gentleman from Kentucky was speaking about earlier with regard to heart, lung, and blood and with regard to diabetes should also be instituted for kidney disease. Kidney disease affects more than 52,000 persons nationally and costs the Feds \$791 million last year through the renal dialysis program. Twenty percent of patients on dialysis are there primarily because of high blood pressure problems which, had they been detected earlier, could have been treated and the need for dialysis averted. An education center for kidney diseases could publicize some of the symptoms of kidney disease and prevent perhaps millions of dollars of expenditures for treatment of the disease. As things are now, little is known about the disease or how to spot it, yet when it hits, it is brutal.

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

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

Mr. WAXMAN. I thank the gentleman for yielding.

The amendment would focus greater attention on research on kidney disease. It is a conforming amendment to committee amendments on arthritis and diabetes.

Mr. Chairman, we do not object to the amendment.

Mr. MOFFETT. Mr. Chairman, I thank the gentleman for his support.

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

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

Mr. CARTER. Mr. Chairman, we support the amendment.

Mr. MOFFETT. Mr. Chairman, I thank the gentleman from Kentucky and I salute him on his service on the Committee on Interstate and Foreign Commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. MOFFETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOPKINS

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

The Clerk read as follows:

Amendment offered by Mr. HOPKINS: Page 62, insert after line 20 the following:

"(d) The Secretary, acting through the Institute, shall conduct a clinical investigation of the safety and efficacy of dimethylsulfoxide as a drug to be used by persons with arthritis. The Secretary shall report to Congress not later than one year after the date of the enactment of this subsection the results of the investigation conducted under this subsection.

Mr. HOPKINS. Mr. Chairman, I am pleased to have the opportunity to offer an amendment of such significance to the health of older Americans, but I can-

not take all the credit here. I am indebted to several of my colleagues, and I want the record to reflect that without their tireless efforts, we would not have this chance. The Select Committee on Aging first brought DMSO to national attention, and I want to thank the chairman of the committee, as well as the gentleman from Ohio, MARY ROSE OAKAR, and the gentleman from Illinois, MARTY RUSSO, who serve with me on the committee. Another one of our colleagues, the gentleman from Oregon, BOB DUNCAN, has supplied his support and encouragement. The efforts of these individuals should be noted by senior citizens all over this country.

Mr. Chairman, 31 million Americans of all ages suffer from the crippling disease known as arthritis. One in every seven Americans is a victim of arthritis, and someone new is added to this list every 33 seconds. While there is no known cure for arthritis, there are certainly no shortages of quack remedies and fake cures for arthritis sufferers.

There is, however, an inexpensive chemical compound which appears to offer significant relief from the nagging aches and pains which accompany this chronic disease. My amendment simply directs the National Institute of Arthritis to conduct a clinical study of this promising remedy, known as dimethylsulfoxide, or DMSO. The purpose of the study is to determine the safety and effectiveness of DMSO in helping to relieve some of the pain and suffering experienced by these 31 million Americans every day.

DMSO is not a new drug: It is not a rare drug: And it is not an expensive drug. DMSO costs about \$4 a quart to produce and it is a byproduct of the manufacture of paper. The medicinal possibilities of DMSO first came to light in the United States in the early 1960's when it was discovered that DMSO is rapidly absorbed into the skin. Since that time it has been approved for human use in a dozen other countries. But in the United States DMSO is approved for only one rather rare bladder disease in humans, and for veterinary use.

Doctors have testified before the House Select Committee on Aging that DMSO significantly reduces pain, inflammation, and swelling, and helps promote healing in soft tissue injuries. Professional athletes have indicated that use of DMSO is widespread among their ranks. Yet for the average American suffering from arthritis, the drug is officially off limits, because the Food and Drug Administration is adamant in its refusal to approve DMSO and persistent in its attempts to discredit DMSO proponents.

Nor are future prospects very bright that DMSO will ever be available except in bootleg form. Again, DMSO is not rare and it is not expensive. But few firms are willing to devote their private resources to the testing and development of a substance commonly found in nature, cheap to produce, and in all probability not patentable. The income potential is simply not there to meet their investment criteria. Thus, there are no tests presently being conducted to determine the value of DMSO for use by patients with arthritis.

Mr. Chairman, I am not a doctor or a scientist, nor do I claim to be an expert. But I do know when it is time to turn a problem over to the experts for their study and analysis and at this time we need a study of DMSO.

The situation at present is that thousands of Americans are going abroad, primarily to Mexico, to obtain DMSO treatments at outrageous prices. Thousands more are treating themselves at home with DMSO that they obtain from their veterinarians in a concentration designed for horses, not humans; or DMSO that they obtain from their hardware store, where it is sold as an industrial solvent; or DMSO they obtain through the mails from Oregon or Florida, where it is legal, but again at prices a 100 times what it costs to produce, and with no guarantees as to quality.

Efforts on the part of the administration to discourage the use of DMSO by the public must, in my opinion, be combined with vigorous efforts to pursue research into its safety and effectiveness. Public demand and scientific doubts where DMSO is concerned will only be put to rest through efforts to establish the truth.

It is time for an objective, unbiased study to determine once and for all whether or not DMSO is the ray of hope 31 million arthritis sufferers in this country are praying for. It is time to put to rest the false claims and false hope. For these reasons I ask my colleagues to vote for my amendment to direct the National Institute of Arthritis to conduct a clinical study of DMSO for use by patients with arthritis.

The research dollar will seldom be as wisely spent, nor will the potential rewards be as significant. By taking this step, we may be able to place a low-cost and effective pain reliever in the hands of millions who will otherwise continue to experience chronic pain.

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

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

Mr. WAXMAN. I thank the gentleman for yielding.

There have been many reports pro and con on the DMSO drug. I think it is important that the claims of both the proponents and opponents of the drug be scientifically examined.

Mr. Chairman, I have no objection to this amendment here today.

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

Mr. HOPKINS. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, I am pleased to support Congressman LARRY HOPKINS, an able member of the House Select Committee on Aging, concerning his amendment to H.R. 7036, the Health Research Act of 1980, to call upon the National Institute on Arthritis to undertake tests on the effectiveness of DMSO.

Dimethylsulfoxide (DMSO) is a liquid byproduct derived from the manufacture of paper. Its medicinal possibilities were first brought to attention in America in the early 1960's.

DMSO can reach the bloodstream within seconds when applied to the skin. It is commonly given in ointments to be

used topically or sometimes by injection.

There is little doubt but that DMSO is effective in reducing pain caused by arthritis, that it is effective in helping to reduce swelling and promote healing in soft tissue injuries. It may have value in healing skin ulcers such as those produced by the disease, scleroderma. It may be useful in helping to promote healing in first- and second-degree burns, in limiting damage of spinal cord injuries, and in relieving intracranial pressure caused by head injuries. It is an open question as to whether it helps arthritics: It does relieve pain but no one knows whether it reduces the inflammation which is the underlying cause of the pain. In addition to its other properties, DMSO heightens the effect of other drugs and may be useful acting as a carrier of other substances through its absorption qualities through the skin.

The House Select Committee on Aging conducted an investigation and hearings which helped confirm the effectiveness of DMSO as an analgesic. Former team physicians with pro sports teams testified in generous terms about the drug's ability to help reduce swelling and promote healing of soft tissue injuries. In addition, literally thousands of letters and testimonials have been received by the committee since its March 24, 1980, hearings. Responses to committee questionnaires to veterinarians and rheumatologists also supplied a good deal of support for the use of the drug. Medical researchers testified about its potential in stroke victims, and in patients with scleroderma and intracranial pressure.

Witnesses at the committee's hearing, including representatives of the Food and Drug Administration, testified that DMSO is a relatively safe drug; garlicky breath and some minor skin irritations are the most common side effects; although a few people may be hypersensitive to the drug and may suffer allergic responses.

The FDA has approved the drug for use in animals for some time, and in 1978, approved its use in humans for treatment of a bladder condition known as interstitial cystitis. It should be noted that before the FDA can approve the use of a drug in man, they must reach the determination: First, that it is safe; and second, that it is effective. The safety question has not been in doubt, at least not since 1978.

In order to clear up any confusion, a recent statement by the FDA warns against the unsupervised use of DMSO. Many people have been buying industrial grade DMSO which may contain impurities. The combination of DMSO with impurities may cause harm. Since DMSO is a carrier which penetrates the skin, there is a danger that other drugs mixed with it may enter the bloodstream. It should be understood that DMSO is not a patent medicine; it must be prescribed and used under the direction of a physician.

The obvious question is: What is holding up FDA approval for the use of DMSO in humans for conditions other than cystitis? The answer is that the FDA must have objective double blind scientific studies which prove effectiveness. The problem is that the FDA does

not initiate tests. The FDA must wait for major drug companies to come forward and ask to test a product for certain uses. Since DMSO is an agent commonly found in nature, and produced easily and inexpensively, it is not thought to be patentable. Drug companies ask why they should spend millions to get FDA approval when there is no assurance that they will have the exclusive right to market the drug if it is approved. Because of its status, DMSO has been included in a category of so-called orphan drugs.

Mr. Chairman, there is a significant amount of anecdotal evidence that DMSO may be helpful to older Americans and particularly to the 31 million U.S. citizens—most of them elderly—who suffer from the pain of arthritis. DMSO has been approved for use in about a dozen foreign countries. Two States, Oregon and Florida, have passed their own laws legalizing the use of DMSO by physicians. Physicians can not lose their licenses for prescribing DMSO in those States. Since DMSO has such a great potential for good and so few side effects associated with its use, I believe it is incumbent on Government to test the drug and to report to the American public on its value at the earliest possible date.

The bill I introduced with Congressman HOPKINS, H.R. 7023, which now has more than 100 cosponsors, and which is the substance of this amendment, would call upon the National Institute on Arthritis to undertake testing on the value of DMSO in arthritis and report back to the Congress within a year. The National Institute is certainly a highly respected organization whose results would gain immediate acceptance. We need the kind of professional judgment that they can bring to this issue and we need it fast. As I noted, there seems to be little doubt but that DMSO relieves the pain of arthritis. There also seems to be no doubt but that it relieves swelling associated with the disease. The remaining question is: Does it relieve the inflammation which is the underlying cause of the disease? Veterinarians are convinced that it does so. Rheumatologists see the potential and have suggested the kind of tests that our amendment would make possible.

Mr. Chairman, I hope the amendment will be adopted. I believe there will be tremendous benefit to the American people if it is enacted. I would like to commend Congressman HOPKINS for his work in this area as well as Mike Wallace and CBS "60 Minutes" who helped bring the matter to the attention of the public.

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

Mr. HOPKINS. I will be delighted to yield to the gentlewoman from Massachusetts.

Mrs. HECKLER. Mr. Chairman, I rise in support of the Hopkins amendment to the Health Research Act, H.R. 7306.

It is unfair to millions of Americans who are in daily pain from arthritis to keep DMSO (dimethylsulfoxide) in limbo. The drug offers hope for relief from the anguishing pain of a crippling illness that strikes both young and old. Certainly DMSO should be tested. Sub-

stantial evidence indicates it will meet the standards of the medical profession. After these necessary hurdles, DMSO should be marketed.

An estimated 31 million Americans have arthritis; 5 million of them are disabled. Arthritis causes more prolonged pain to more Americans than any other disease. Since DMSO has the potential to relieve a great deal of that suffering, it could provide one more tool in the arsenal of pain relief.

This amendment directs that a clinical investigation of the safety and efficacy of DMSO as drug for arthritis sufferers be conducted through the National Institute of Arthritis, Metabolism and Digestive Diseases and that the Secretary of Health and Human Services report to the Congress no later than 1 year after the date of enactment the results of the investigation.

I believe the drug will be a standard form of relief for arthritis in the future. It has proven its potential. This amendment provides the vital first step of required testing. Let us take that step to make giant strides for millions of arthritis sufferers.

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

Mr. HOPKINS. I do yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, first I want to express my support for this legislation, H.R. 7036 and commend Chairman STAGGERS, Mr. WAXMAN, Mr. CARTER and the members of the Subcommittee on Health and the Environment for their work. I take this time to rise in support of Mr. HOPKINS' amendment to fund a study of the drug dimethylsulfoxide. Persons who have successfully used DMSO or worked with it maintain that it has some very beneficial properties. According to their reports, it can stop pain; aid in the healing of soft tissue injuries, such as bruises; and because it is quickly absorbed into the bloodstream, carry with it other drugs.

Because of the attention DMSO has received through the CBS television program "60 Minutes" and a hearing by the Select Committee on Aging, there is now widespread knowledge in our country about the existence of this drug. The hopes of millions of people suffering from musculo-skeletal diseases have been elevated. Indeed, I have heard from some 80 people in my own State of Arkansas, ranging from aged arthritis victims to a little 3-year-old girl suffering from myositis ossificans—a terrible condition which causes her muscles to become calcified. Some of these people have the means to travel to States or countries where they can get the drug and believe that it is helpful to them; others who are not so well off desperately want this drug to be accessible in the hope that it may alleviate their pain.

I am sure that some of my colleagues who are unfamiliar with the history of DMSO testing are questioning the need for an NIH study of the drug when a mechanism for the testing of drugs exists under the auspices of the FDA. The experience with DMSO illustrates a weakness in our drug certification sys-

tem; because the agency does not initiate new drug studies but must wait for researchers to conduct them, the public is sometimes unnecessarily deprived of remedies and treatments which are badly needed. At the time of our hearing by the Aging Committee, the FDA had reached a real logjam in trying to certify DMSO for use by arthritis patients because all studies to date had not been of sufficient quality to offer definitive evidence and because no pharmaceutical companies or research organizations had applied to conduct new studies. A study by the National Institute of Arthritis would break this logjam and give us some quick and definitive answers about the potential of this drug.

It is wrong for persons suffering from chronic pain to be tantalized by the possibility that a substance which may bring them relief exists but is out of their reach. A well-controlled and responsible study on the drug by the National Institute of Arthritis could once and for all substantiate the claims about it or put persistent theories about it to rest.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I will be delighted to yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. Mr. Chairman, I assume this amendment is offered out of a sense of the gentleman's frustrations at the delay in getting protocols approved by the Food and Drug Administration. Is that correct?

Mr. HOPKINS. That is correct.

Mr. DUNCAN of Oregon. I share that same frustration that the gentleman feels. I have been working on this since about 1963. In the course of that 17-year period, FDA has approved this drug for use on a single disease, interstitial cystitis.

Now, Mr. Chairman, when they have approved it that means they have found it to be safe. They have also found it to be efficacious for this particular purpose. Once they found it safe for the interstitial cystitis it seems to me you are over that obstacle as to whether or not the drug has any substantial adverse impact on the patient, and it does not. It has been used as widely, I think, as almost any other drug in its particular stage of development and the only really substantial adverse impact that you find is the odor and sometimes a slight tingling of the skin.

While in the Senate hearings recently there were some suggestions made of ocular changes, those have never been verified in human beings. My colleague from Ohio (Ms. OAKAR) will introduce into the RECORD at the appropriate point a complete rebuttal from Dr. Scherbel of the Cleveland Clinic.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. DUNCAN of Oregon and by unanimous consent, Mr. HOPKINS was allowed to proceed for 2 additional minutes.)

Mr. DUNCAN of Oregon. The gentleman's amendment, as far as I can tell, does not take away from the Food and Drug Administration the ultimate responsibility for determining safety and efficacy with respect to arthritis. Am I correct on that?

Mr. HOPKINS. The gentleman is correct.

Mr. DUNCAN of Oregon. I appreciate your answer. I do not believe that the Congress is the proper body to make decisions of a technical nature with respect to drugs and drug use. What we are hoping to do, and what the gentleman hopes to do, and I join in the gentleman's hope, is that a test devised by this Institute on the 2 questions of safety and efficacy, the vital questions that FDA must decide, will be very persuasive to the Food and Drug Administration and, in any event, by close cooperation in developing the test, between the Institute and FDA, a test may be devised that FDA will be willing to accept. Thus far, they have not accepted any.

I share the gentleman's frustrations, I congratulate him on his efforts. I hope his efforts are successful and that FDA will note that if the Congress can do this with arthritis they will also be able, willing, and anxious to do it with burns and bursitis and tendonitis and all of the other ailments in which there has been demonstrated some degree of hope for people suffering from an otherwise incurable disease.

Mr. HOPKINS. I appreciate the gentleman's remarks. I certainly want to note the contribution the gentleman has made over the years, bringing this along to where it is today.

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

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

Mr. GRASSLEY. Mr. Chairman, I rise in support of the amendment. The drug dimethylsulfoxide (DMSO) has been used industrially as a solvent since the 1940's. Currently, it is also used for the treatment of a chronic bladder disorder. In addition, a good deal of evidence has been gathered by health professionals which suggests that DMSO might have further use as an effective treatment for pain and swelling of diseases of the connective tissue, such as arthritis. This discovery has given new hope to those members of our society who suffer from arthritis and, since many of these people are elderly, I have taken a great deal of interest in the drug in my capacity as ranking minority member of the Select Committee on Aging.

In March of this year, the committee held hearings on DMSO. In those hearings, a number of qualified medical professionals testified as to the efficacy of the drug. The consensus was that, while the evidence is not conclusive, there is a substantial body of evidence to suggest that DMSO is effective in the treatment of arthritis. However, further testing is needed before the drug can meet the efficacy standards of the Food and Drug Administration. As you are aware, this involves a long and costly process wherein a drug company is required to obtain an investigational new drug application and conduct a number of tests on the drug under application. In order for a drug company to undertake such an enterprise, it obviously must be able to assure itself of a reasonable return on its investment. In the case of DMSO, it would appear that this is not possible since the molecule is in wide use and not

considered patentable. Thus, progress has been slow and millions of Americans who suffer from arthritis have been denied what might prove to be an effective treatment.

Mr. Chairman, I feel that the study required by the amendment of the gentleman from Kentucky is fully justified.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I will be delighted to yield to the gentlewoman, a member of the Select Committee on Aging.

Ms. OAKAR. Mr. Chairman, this disease affects millions of Americans with arthritis, bursitis, and so forth. This is a nontoxic drug. We have had countless doctors say it works.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Ms. OAKAR and by unanimous consent, Mr. HOPKINS was allowed to proceed for 5 additional minutes.)

Ms. OAKAR. Will the gentleman continue to yield?

Mr. HOPKINS. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Dr. Scherbel, who is head of rheumatology at the internationally known Cleveland Clinic in my city, has done the tests that FDA wants. The problem is that they are absolute obstructionists. I hate to be cynical about the FDA because we like to think it is an objective asset of our Government. However, I have come to the conclusion—I do not say this lightly, believe me—I think they are absolutely biased when it comes to this drug, I think that they have people who they have put on these research committees and they have not done the research. The people who have done the research who are Harvard Medical School graduates, heads of departments of internationally known hospitals, are the ones who can show the cases, and have tried to bend over backward to meet this criteria. Yet the FDA will not approve this drug for common ordinary diseases like arthritis.

□ 1410

I have to say that I personally have come to the conclusion that the FDA may be unduly influenced by the very, very powerful drug lobbies around here who produce drugs such as aspirin and cortisone, which commonly is used—and sometimes effectively—to treat arthritis. They do not want to see an inexpensive drug that is nontoxic, that cannot hurt one at all, take the place of these more expensive drugs.

I want to quote at this point from a letter by Dr. Scherbel to the FDA Commissioner, who testified at the Kennedy hearing, and I have to say I was somewhat disappointed in the manner in which that was conducted, but nevertheless he says:

CLEVELAND CLINIC,  
Cleveland, Ohio, August 7, 1980.

Dr. JERE GOYAN,  
Commissioner, Food and Drug Administration,  
Rockville, Md.

DEAR DR. GOYAN: I am deeply concerned about the recent testimony that was presented by FDA officials at the Kennedy hearing last week regarding ocular toxicity resulting from the administration of DMSO. This is truly a gross misrepresentation of the facts. Several nationally known ophthalmol-

ogists studied these patients and concluded that DMSO was not responsible for the cataracts. This information was sent to FDA before the Kennedy hearing.

Those few patients, who are considered by FDA to have cataracts resulting from DMSO administration, actually had myopic changes or cataracts prior to the administration of the drug. All patients were in the age group where cataracts are likely to occur. All patients had serious connective tissue disease and were treated with corticosteroids before and during DMSO administration. Some patients had inflammatory eye lesions as a complication of their connective tissue disease. It is well known that cataracts may appear in this situation.

As a result of the distorted testimony presented by FDA, DMSO is now receiving unwarranted, adverse publicity through the news media. This matter appears to me to be of such serious nature that I am requesting you to issue a statement of clarification. Another alternative would be to schedule an open hearing on the DMSO controversy at your earliest convenience. I would appreciate hearing from you as soon as possible.

Sincerely yours,

ARTHUR L. SCHERBEL, M.D.

Dr. Scherbel implies that the FDA has misrepresented the results of his research at a recent Kennedy hearing on DMSO. There are many other doctors who feel that the FDA is biased about this drug. The FDA has repeatedly withheld approval of this drug "for lack of sufficient data." Yet they do not question the harmful side effects of aspirin or cortisone. Mr. Chairman, DMSO could help millions of Americans with arthritis, bursitis, and scleroderma. It is a nontoxic, inexpensive drug which has one side effect—it produces a garlicky breath odor. I think the American people ought to know that the FDA is not serving their interests. It is a shame that we have to go to another objective group to do this kind of research when they, the FDA, are shirking their duties.

So, I want to commend the gentleman and certainly support this unfortunate but necessary amendment.

Mr. HOPKINS. I thank the gentlewoman.

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

Mr. HOPKINS. I will be delighted to yield.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding. I congratulate him on his amendment, and I do hope that it is universally supported.

I know it is getting redundant at this time, but I have to underscore the words of the gentleman from Oregon and the gentlewoman from Ohio—except that I do not share the conclusion of the gentlewoman from Ohio as to why the FDA does its work so poorly.

There would be no need for this kind of an amendment if the FDA were an effective, efficient agency of the U.S. Government. Instead, they have totally failed their responsibilities, and denied millions of Americans a potential cure when all the facts would indicate that there is no harm from the use of this drug.

The FDA, I think, in its counterproductive and clumsy way, is about to reach the pinnacles of ineptitude previously achieved only by the FTC and the EPA. It is rapidly becoming the most counterproductive agency of the Federal Government.

I congratulate the gentleman from Kentucky, and I think the time is not far when the Members of this body are going to have to rise up and strike down some of these agencies which cannot do the people's work in a more effective manner.

I do not think there is any way the conduct of FDA can be justified in this particular instance, in the nitrite instance, and even in the saccharin instance. They have a repeated history of blunders which I believe are going to jeopardize the very existence of the agency of the future.

Mr. Chairman, I thank the gentleman for yielding.

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

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

Mr. PICKLE. Mr. Chairman, some 10 years ago I was on the Commerce Committee. At that time, I attempted to get some kind of definite statement from the FDA regarding this DMSO drug. I was not successful then. For some 10 years at least they have ducked this issue. At least, the amendment the gentleman is offering is for a time certain, and making them do something of a definitive nature.

It is time we do it. None of us are saying that it has got to be the drug. We do not know that, but this vacillating has got to stop.

I thank the gentleman for yielding.

Mr. HOPKINS. Mr. Chairman, I thank the gentleman for his remarks, and I thank the many other colleagues who have spoken. I think it is just time for the FDA quit dragging its feet. They have done it for over 15 years. This amendment is straightforward. It gives them 1 year.

● Mr. MINISH. Mr. Chairman, I would like to compliment the gentleman from Kentucky on his amendment to the Health Research Act, which would initiate an immediate clinical investigation of the efficacy of dimethylsulfoxide, or DMSO, in treating arthritis and other painful diseases.

There has been a great deal of publicity lately some of it exaggerated or sensationalized, about DMSO. The hearings conducted by Select Committee on Aging earlier this year revealed that the medical community is somewhat divided in its opinion of this drug. Unfortunately, many people who are in real pain have had their hopes of relief raised by reports of this "wonder drug" only to be frustrated by its unavailability. The Government appears in their eyes to be keeping a drug they desperately want off the market for reasons of bureaucratic red-tape.

Even if this perception may not be entirely accurate, we here have the responsibility to these many afflicted people to get the information we need to make an informed decision about DMSO. There is a vast body of medical literature about this subject, compiled over the years, yet no definitive conclusions have been reached. A 1-year study with a mandated reporting deadline can give us the information we need now; otherwise, the uncoordinated research efforts could drag on inconclusively for years. Although concentrating on applications

of DMSO to arthritis, this research may turn up information useful in relieving other conditions as well.

I have heard from my constituents who feel that this drug could free them from lives of daily suffering. When their Government is keeping DMSO off the market, we owe it to them to change this policy or tell them why we can not. This amendment will allow us to do just that. Thank you.●

● Mr. RATCHFORD. Mr. Chairman, I rise today to lend my support to the amendment to House Resolution 7036, which would direct the National Institute of Arthritis, Metabolism and Digestive Diseases to conduct a study of the safety and effectiveness of DMSO—dimethyl sulfoxide, for use by patients with arthritis.

Over 32 million citizens, including 20 million older Americans, suffer from arthritis. Presently the most frequently prescribed pain reliever for the treatment of this disease is aspirin. Arthritis sufferers have long sought a more effective treatment, and many health authorities believe that DMSO is that treatment.

Dimethyl sulfoxide—DMSO, is a low-cost, easily produced byproduct from the manufacture of paper, which can be rapidly absorbed into the bloodstream when applied to the skin. Advocates of DMSO have said it is a new "miracle drug," equal in importance to penicillin or aspirin; opponents argue that it is unproven and ineffective.

Doctors, researchers and DMSO-users who appeared before the House Select Committee on Aging, and the Senate Committee on Labor and Human Resources, described DMSO's effectiveness in reducing the pain, inflammation and stiffness associated with arthritis, bursitis, tendonitis and scleroderma. Despite these claims, there have been no ongoing studies to establish the possible effectiveness of DMSO, in the long term treatment of arthritic diseases. The Food and Drug Administration refuses approval of DMSO, because it has insufficient scientific data.

This situation is unacceptable to the millions of Americans, who suffer from arthritis, and the thousands who go abroad each year for DMSO treatments or pay exorbitant prices for DMSO here in the United States. However, within the United States the drug is already available legally in Oregon and Florida.

What is necessary is an objective evaluation so that the value of DMSO for use by arthritis sufferers can be established conclusively. This amendment, sponsored by Congressman CLAUDE PEPPER and LARRY HOPKINS, would require the National Institute on Arthritis to conduct appropriate tests and report back to Congress within a year. The cost involved in conducting such a study would be a fraction of the national research commitment, while the proportional benefits are enormous.

When this proposal was introduced as House Resolution 7023, more than 100 Members of the House cosponsored it. By funding this study we will learn definitely about the benefits of DMSO and we may be able to provide a low-cost, effective relief to the millions of Americans who now suffer from chronic pain due to arthritis.●

● Mr. RUSSO. Mr. Chairman, I would like to take this opportunity to speak in support of Mr. HOPKINS' amendment that would mandate the National Institute of Arthritis, Metabolism, and Digestive Disease to undertake clinical studies of the effectiveness of the drug dimethyl sulfoxide (DMSO) for use by patients suffering from the pain and discomfort of arthritis.

All of us know people who are suffering from aching joints caused by arthritis, rheumatism, and bursitis. These friends and constituents deserve relief so they can be free to live normal productive lives. There are some 20 million Americans who are in this position, yet there is a drug that may be readily available today, and no drug company is willing to test it—DMSO.

The situation is further complicated by the Food and Drug Administration's inability to sanction the marketing of a drug unless it has been proven safe and effective. The FDA cannot do this unless a pharmaceutical company is willing to do the testing. Unfortunately, to date, no drug company is willing to undertake the clinical studies because production of DMSO would produce little or no profit.

This situation is particularly unfortunate because all available data indicates that DMSO can relieve and cure arthritis and related ailments from between 70 to 90 percent of the time, and, yet, the side effects are minimal—only garlicky breath and some minor skin irritations.

As I see it, this dilemma between the needs of those ailing from arthritis and related diseases and the FDA and the pharmaceutical companies must be resolved. However, we must be cautious and not market DMSO before the necessary research is completed to determine if the drug is both safe and effective. It is for these reasons that I stand in support of Mr. HOPKINS' amendment. I strongly believe the National Institute of Arthritis, Metabolism, and Digestive Diseases should begin research on DMSO, immediately. Let us now act so that research on DMSO can go forth, and maybe someday soon many of those 20 million Americans suffering from arthritis can be relieved of the nagging pain. I ask my colleagues to support the Hopkins amendment to the Health Research Act.●

● Mr. BONKER. Mr. Chairman, for the past 18 years I have been hearing about DMSO. While I was a staff aid on the Senate Special Committee on Aging in the early 1960's hearings and investigations were being conducted. Now in the 1980's we on the House Select Committee on Aging and Senator KENNEDY are still holding hearings. The time for action is now. Further delay is unconscionable.

In the intervening 20 years, tens of thousands of people have lived with the aches and pain of arthritis, bursitis, and a variety of other ailments. And that suffering may have been unnecessary.

Definitive studies on the safety and efficacy of DMSO must be undertaken at once. Where there is a possibility, a probability, that pain can be relieved or

lessened—we must follow up all the leads.

I have received several hundred letters on this subject—all of them requesting congressional action on DMSO. The writers are not just arthritis sufferers and senior citizens. In my State there is a Downs' syndrome child who—according to her mother, her teacher, her neighbors, and her doctor—has been helped enormously by DMSO treatments. Not only have some of the physical characteristics associated with Downs' syndrome abated, but her mental acuity and functioning have improved as well; scleroderma—a little known disease which results in ulcerated fingers and toes may also be responsive to DMSO. A staff member of mine addressed a conference in Seattle where one of the participants mentioned a critically ill mother. When it was clear that she was suffering from scleroderma my staff person said:

If you had said "scleroderma" to me a week ago, it would have meant nothing. But last week the Aging Committee held hearings on an experimental drug, DMSO, that has been used with some success—maybe it could help your mother.

DMSO is a story of foot dragging by the FDA, of overzealous—at times—sales techniques by its proponents. It is a story of claims and refutations. But above all it is a story of people. We can do no less than support this amendment to insure that properly controlled and executed tests are carried out to establish the safety and efficacy of DMSO. As a cosponsor of H.R. 7023, I wholeheartedly urge passage of Mr. HOPKINS' amendment.●

● Mr. CARTER. Mr. Chairman, I believe it extremely important in regard to this amendment that we have the benefit of the views of FDA Commissioner Goyan. Therefore I am inserting in the RECORD at this point a press release regarding DMSO.

Food and Drugs Commissioner Jere E. Goyan today expressed concern about the widespread use of DMSO (dimethyl sulfoxide) for the treatment of arthritis and similar conditions.

Many people started treating themselves with DMSO following recent television reports about the drug.

Human use of DMSO is approved by FDA only for the treatment of a painful bladder condition called chronic interstitial cystitis. There is no generally accepted evidence the drug is either safe or effective in treating arthritis and bursitis.

Dr. Goyan said:

People are taking a risk whenever they use a substance of unknown quality and effect on the basis of a TV show.

FDA is eager for researchers to test DMSO to see whether it is safe and effective for conditions besides interstitial cystitis. We are working with the company marketing DMSO as a human drug to see that studies capable of yielding meaningful results are carried out.

In the meantime, it's risky business to drink, inject or apply to the skin any substance not intended for that purpose.

Clarifying its own position on DMSO, the Arthritis Foundation recently said it "did not and does not 'endorse' DMSO for arthritis. What we do endorse is the

idea that it might have limited usefulness as a pain reliever, and we are urging that the necessary testing of this possibility be carried out and an appropriate application be made to the FDA for approval for such limited use."

Since DMSO, a byproduct of the papermaking industry, is available as an industrial solvent, and also is approved for use in horses and dogs, people can readily obtain it. People apparently are using both types of DMSO to treat themselves. They are ingesting it as well as applying it to their skin; in some instances, it is being injected directly into the body.

Dr. Goyan said such use is risky for a number of reasons:

The industrial grade DMSO is not of the quality used for drug treatment of humans and is not made under conditions that are necessary for the production of human drugs.

The safety of DMSO in high concentrations and large amounts has not been established. Animal studies suggest that DMSO can affect the eyes and could cause loss of visual acuity or eye damage. Other side effects associated with its use include nausea, headache, and skin rash.

Since DMSO is a "carrier" chemical, it could also deliver harmful substances into the bloodstream if they are present in impure DMSO or are on the skin.

DMSO treatments are being offered in many facilities that were created solely to administer DMSO. It is sold through the mails and in stores as well. FDA is investigating to determine the scope of the problem and will take appropriate regulatory action if needed.

DMSO has been used industrially since the 1940's. Tests of DMSO as a human drug began in the mid 1960's and the drug has been tested for a number of purposes. An evaluation of DMSO in 1972 by the National Academy of Sciences concluded that it lacked scientific evidence of effectiveness for the treatment of any disease. NAS said further study was necessary.

In 1978, following the submission of studies, FDA approved it for treatment of interstitial cystitis. The agency is currently evaluating data on the use of DMSO in treating scleroderma, a crippling disorder involving the hands and other tissues in the body.

The Arthritis Foundation has said that DMSO does not appear to be the "wonder drug" it once promised to be. Dr. Goyan agreed, pointing out that the drug has been tested for a plethora of disease conditions, including mental retardation, retinitis pigmentosa, and genital herpes. Most of these studies, however, have been discontinued because of failure to prove effectiveness. Other conditions for which it is currently being tested include joint and spinal cord injuries.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. HOPKINS).

The amendment was agreed to.

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

Mr. Chairman, in 1973 the fire retardant polybrominated biphenyl

(PBB) was inadvertently mixed into livestock feed in Michigan. This contamination affected thousands of farm animals, resulting in their death or destruction.

Unfortunately, until the source of the contamination was determined, substantial amounts of PBB contaminated the meat and milk produced in those farms hit by PBB. The bloodstream of the people in Michigan, particularly in my area of Michigan and where farmers consume their own products, was infiltrated by this toxic chemical.

When I was in the Michigan Legislature, I served as chairman of a special committee that investigated the PBB incident in Michigan. I came away from those deliberations a very concerned man—concerned that the people I represented were not being protected from a hazardous situation they had no control over. It is with this concern that I came to the U.S. Congress in 1979. And, it is with this concern that I seek the chairman's clarification in this matter.

A study is currently being undertaken in the National Institute of Environmental Health Sciences into the effects of PBB on the human system. The results of this study, which are due within the year, will confirm my own thoughts as to the dangers of PBB. I have one problem with the study being undertaken, however. The current analysis includes people from all over the State of Michigan. Such a sample heavily favors those individuals who do not live on or near a farm that was contaminated by PBB. This suggests that such weighting would downplay the severity of the health ailments associated with PBB contamination. I would thus like to see a study of the people in two particular counties in Michigan that have been hit the hardest by this chemical. Comparing those two counties with two others in different areas of the Nation would provide a more accurate guide to the problems brought on by PBB.

Another study that I feel is vital would be of the environmental impact of PBB. Such a study, which I plan to request, would look into the toxicity level of PBB and the effect such contamination has on the land. In addition, the proper method of disposal and methods of clean-up of the chemical would be examined by the NIEHS under such a study.

I would like to ask the chairman of the subcommittee whether it would be in the spirit of the legislation before us today to authorize the two studies I referred to in my statement?

I would like to ask the chairman of the subcommittee whether it would be in the spirit of the legislation before us today to authorize the two studies I referred to in my statement?

Mr. WAXMAN. Mr. Chairman, I appreciate Mr. ALBOSTA's concern for the safety and well-being of the people in his congressional district and the State of Michigan. In my opinion as chairman of the subcommittee with jurisdiction over that agency I believe that the studies on the health effects of PBB which you mention in your statement would be well within the scope of authority of the National Institute of Environmental Health Sciences.

Mr. ALBOSTA. I thank the gentleman.

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. WAXMAN: Page 94, insert after line 18 the following:

SEC. 7. (a) Whenever in this section (other than in subsections (k) and (l)(1)) an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

(b) The second sentence of section 1501 (b) (1) (42 U.S.C. 300k-1(b)(1)) is amended by striking out "in" and inserting in lieu thereof "including those in".

(c) Section 1513(g)(2) (42 U.S.C. 300i-2(g)(2)) is amended by striking out "three years" and inserting in lieu thereof "five years".

(d) Section 1516(d)(3) (42 U.S.C. 300i-5(d)(3)) is amended (1) by inserting after "of subsection (c) (1)" the following: "(but without regard to the dollar limit prescribed by subparagraph (A) (ii))", and (2) by inserting before ", to the extent" the following: "no such agency shall receive a grant in excess of \$3,750,000 and".

(e) The first sentence of section 1524(c) (6) (42 U.S.C. 300m-3(c)(6)) is amended by striking out "section 409" and inserting in lieu thereof "section 409 or 410".

(f) Section 1527(b)(3)(B) (42 U.S.C. 300m-6(b)(3)(B)) is amended (1) by striking out "that (1)" and inserting in lieu thereof "that", (2) by striking out ", which intends to acquire the controlling interest or which intends to use the facility is" and inserting in lieu thereof "which intends to acquire the controlling interest in or use the facility is (1)", (3) by striking out "and (ii)" and inserting in lieu thereof "and", and (4) by striking out "or the requirements of clauses (1) and (ii) of subparagraph (B) of paragraph (1)" and inserting in lieu thereof ", or (ii) a health care facility which meets the requirements of clauses (1), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph".

(g) The last sentence of section 1531(3) (42 U.S.C. 300n(3)) is amended (1) by striking out "An individual" and inserting in lieu thereof "Notwithstanding subparagraph (B), an individual", and (2) by striking out "an entity" and inserting in lieu thereof "one or more entities".

(h) Section 1531(5) (42 U.S.C. 300n(5)) is amended by striking out "maintained or developed by the Department of Commerce and".

(i) Section 1531(6) (42 U.S.C. 300n(6)) is amended by adding at the end the following: "The term 'capital expenditure' does not include an expenditure made by or on behalf of a health care facility for health research at the facility if the obligation of the expenditure or the operating costs of the research will not affect the charges of the facility for the provision of medical or other health services, if the research will not involve the provision of such services to patients of any health care facility, and if the person making the expenditure files a notice with the State agency of the State in which the facility is located describing the nature of the research and providing assurances satisfactory to the State agency that the expenditure or operating costs will not affect such charges and the research does not involve the provision of medical or other health services to patients of any health care facility. A notice required by the preceding sentence respecting an expenditure shall be made in writing and filed with the appropriate State agency at least thirty days before

any contractual arrangement is entered into to make the expenditure."

(j) Section 1532(b)(12)(D) (42 U.S.C. 300n-1(b)(12)(D)) is amended by striking out "administratively".

(k) Section 124(c) of Public Law 96-79 (93 Stat. 627) is amended to read as follows: "(c) (1) section 1524(b)(1)(C) is amended by striking out 'one-third' and inserting in lieu thereof 'one-half'."

"(2) Section 1524(b)(1)(D) is amended (A) by striking out 'two' and inserting in lieu thereof 'one', and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio'."

(l) Section 129(b)(2)(A) of Public Law 96-79 (93 Stat. 630) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Planning Technical Amendments of 1980".

(2) Section 1521(d)(1)(B)(1) (42 U.S.C. 300m(d)(1)(B)(1)) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Planning Technical Amendments of 1980".

(m) Section 338(a) (42 U.S.C. 254k(a)) is amended (1) by striking out "and" after "1979"; and (2) by adding before the period a semicolon and the following: "and \$94,000,000 for the fiscal year ending September 30, 1981".

Mr. WAXMAN (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. WAXMAN. Mr. Chairman, my colleagues, this amendment is the text of the bill, H.R. 7911, which passed the House on Monday on the Suspension Calendar without objection by any Member. By including this bill as an amendment to the pending matter, we can expedite its passage by the Congress.

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

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

Mr. CARTER. Mr. Chairman, I strongly support the amendment.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DAN DANIEL) having assumed the chair, Mr. WEISS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7036) to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes, pursuant to House Resolution

765, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 48, not voting 92, as follows:

[Roll No. 506]

YEAS—292

Akaka	Coughlin	Gramm
Albosta	Courter	Grassley
Ambro	D'Amours	Gray
Anderson,	Daniel, Dan	Green
Calif.	Danielson	Grisham
Anderson, III.	Daschle	Guarini
Andrews,	Davis, Mich.	Gudser
N.Dak.	de la Garza	Guyser
Annunzio	Deckard	Hareidorn
Archer	Dellums	Hall, Ohio
Aspin	Derrick	Hall, Tex.
Atkinson	Derwinski	Hamilton
Bafalis	Dickinson	Hammer-
Bailey	Dicks	schmidt
Baldus	Dingell	Hance
Barnes	Dixon	Harkin
Beard, R.I.	Dornan	Harris
Bedell	Dougherty	Hawkins
Bellenson	Drinan	Heckler
Benjamin	Duncan, Oreg.	Hefner
Bennett	Duncan, Tenn.	Heftel
Bereuter	Eckhardt	Hightower
Bethune	Edwards, Calif.	Hillis
Bevill	Edwards, Okla.	Hopkins
Blaggi	English	Horton
Bineham	Erdahl	Howard
Boggs	Erlenborn	Hubbard
Bolling	Ertel	Huckaby
Bonior	Evans, Del.	Hutches
Bonker	Evans, Ga.	Hutchinson
Brinkley	Fascell	Hutto
Brodhead	Fazio	Hyde
Broomfield	Ferraro	Ireland
Brown, Calif.	Findley	Jacobs
Brownhill	Fisher	Jeffords
Burlison	Fithian	Jenkins
Burton, John	Florio	Jenrette
Burton, Phillip	Ford, Tenn.	Johnson, Calif.
Byron	Fowler	Johnson, Colo.
Carr	Frenzel	Jones, N.C.
Carter	Frost	Jones, Okla.
Cavanaugh	Fuqua	Jones, Tenn.
Cheney	Garcia	Kastenmeier
Chisholm	Gaydos	Kemp
C'ausen	Gilman	Kildee
Clay	Gingrich	Kindness
Clinger	Ginn	Kogovsek
Coelho	Glickman	Kostmayer
Coleman	Goldwater	Kramer
Conable	Gonzalez	LaRocca
Conte	Goodling	Lagomarsino
Corcoran	Gore	Latta
Corman	Gradison	Lee

Lehman	Nedzi	Stack
Leland	Nelson	Staggers
Lent	Nolan	Stangeland
Lewis	Oakar	Stark
Livingston	Ottinger	Steed
Lloyd	Patten	Stewart
Loeffler	Patterson	Stockman
Long, Md.	Pease	Stokes
Lowry	Pepper	Stratton
Lujan	Perkins	Studds
Luken	Porter	Swift
Lungren	Preyer	Synar
McCory	Price	Tauke
McCloskey	Pritchard	Tauzin
McCormack	Quayle	Thomas
McDade	Rahall	Thompson
McEwen	Rangel	Traxler
McKay	Ratchford	Tribe
McKinney	Regula	Udall
Madigan	Reuss	Ullman
Maguire	Rhodes	Van Deerlin
Markey	Richmond	Vander Jagt
Marks	Rinaldo	Vento
Marlenee	Ritter	Volkmer
Marriott	Rodino	Walgren
Martin	Rose	Walker
Matsui	Rosenthal	Wampler
Mattox	Roybal	Watkins
Mazzoli	Royer	Waxman
Mica	Santini	Weaver
Mikulski	Satterfield	Weiss
Miller, Calif.	Sawyer	White
Miller, Ohio	Scheuer	Whittaker
Mineta	Schroeder	Whitten
Minish	Sebelius	Williams, Mont.
Mitchell, Md.	Sisberling	Williams, Ohio
Mitchell, N.Y.	Sharp	Wilson, Bob
Moakley	Shelby	Wirth
Moffett	Simon	Wolf
Moore	Skelton	Wolpe
Moorhead,	Smith, Nebr.	Wyatt
Calif.	Snowe	Wyder
Murphy, Pa.	Snyder	Wyle
Musto	Solarz	Yatron
Myers, Ind.	Spellman	Zablocki
Neal	Spence	

NAYS—48

Andrews, N.C.	Fountain	Pickle
Ashbrook	Hansen	Pursell
Badham	Holt	Quillen
Bauman	Jeffries	Roberts
Beard, Tenn.	Kazen	Robinson
Buchanan	Kelly	Rousselot
Burgener	Leach, Iowa	Rudd
Campbell	Levitas	Sabo
Collins, Tex.	Lott	Schulze
Crane, Daniel	McDonald	Sensenbrenner
Crane, Phillip	Michel	Shumway
Daniel, R. W.	Montgomery	Shuster
Dannemeyer	Natcher	Solomon
Edwards, Ala.	O'Brien	Stenholm
Fenwick	Paul	Stump
Forsythe	Petri	Taylor

NOT VOTING—92

Abdnor	Emery	Myers, Pa.
Addabbo	Evans, Ind.	Nichols
Alexander	Fary	Nowak
Anthony	Fish	Oberstar
Applegate	Filippo	Obey
Ashley	Foley	Panetta
AuCoin	Ford, Mich.	Pashayan
Barnard	Gephardt	Peyster
Blanchard	Gialmo	Rallsback
Boland	Gibbons	Roe
Boner	Hanley	Rostenkowski
Bouquard	Harsha	Roth
Bowen	Hincher	Russo
Braemas	Holland	Shannon
Breaux	Hollenbeck	Smith, Iowa
Brooks	Holtzman	St Germain
Brown, Ohio	Ichord	Stanton
Butler	Leach, La.	Symms
Carney	Leath, Tex.	Vanik
Chappell	Lederer	Whitehurst
Cleveland	Long, La.	Whitley
Collins, Ill.	Lundine	Wilson, C. H.
Conyers	McHugh	Wilson, Tex.
Cotter	Mathis	Winn
Davis, S.C.	Mavroules	Wright
Devine	Mollohan	Yates
Dodd	Moorhead, Pa.	Young, Alaska
Donnelly	Motti	Young, Fla.
Downey	Murphy, Ill.	Young, Mo.
Early	Murphy, N.Y.	Zeperetti
Eigar	Murtha	

□ 1430

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Rallsback.  
Mr. Zeferetti with Mr. Stanton.

Mr. Hanley with Mr. Young of Florida.  
 Mr. McHugh with Mr. Symms.  
 Mr. Cotter with Mr. Abdnor.  
 Mr. Boland with Mr. Cleveland.  
 Mr. Barnard with Mr. Harsha.  
 Mr. Brademas with Mr. Winn.  
 Mr. Breaux with Mr. Butler.  
 Mr. Murphy of New York with Mr. Whitehurst.

Mr. Nichols with Mr. Emery.  
 Mr. Mottl with Mr. Hollenbeck.  
 Mr. Russo with Mr. Young of Alaska.  
 Mr. St Germain with Mr. Brown of Ohio.  
 Mr. Wright with Mr. Carney.  
 Mr. Obey with Mr. Roth.  
 Mr. Panetta with Mr. Pashayan.  
 Mr. Mathis with Mr. Hinson.  
 Mr. Lederer with Mr. Fish.  
 Mr. Gialmo with Mr. Devine.  
 Mr. Dodd with Mr. Bowen.  
 Mrs. Bouquard with Mr. Myers of Pennsylvania.

Mr. Murtha with Mr. Vanik.  
 Mr. Whitley with Mr. Charles H. Wilson of California.

Mr. Yates with Mr. Nowak.  
 Mr. Young of Missouri with Mr. Moorhead of Pennsylvania.

Mr. Mollohan with Mr. Edgar.  
 Mr. Filppo with Mr. Leach of Louisiana.  
 Mr. Fary with Mr. Evans of Indiana.  
 Mr. Downey with Mr. Donnelly.  
 Mr. Foley with Mr. Shannon.  
 Mr. Ford of Michigan with Mr. Lundine.  
 Mr. AuCoin with Mr. Boner of Tennessee.  
 Mr. Anthony with Mr. Applegate.  
 Mr. Alexander with Mr. Ashley.  
 Mr. Brooks with Mr. Blanchard.  
 Mr. Murphy of Illinois with Mr. Peyser.  
 Mr. Roe with Mrs. Collins of Illinois.  
 Mr. Chappell with Mr. Conyers.  
 Mr. Davis of South Carolina with Mr. Smith of Iowa.

Mr. Ichord with Mr. Gephardt.  
 Mr. Long of Louisiana with Ms. Holtzman.  
 Mr. Mavroules with Mr. Leath of Texas.  
 Mr. Gibbons with Mr. Holland.  
 Mr. Rostenkowski with Mr. Oberstar.

Mr. PETRI changed his vote from "yea" to "nay."

Mr. COURTER changed his vote from "nay" to "yea."

So the bill was passed.  
 The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 765, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the Senate bill (S. 988) entitled the "Health Sciences Promotion Act of 1980."

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike out all after the enacting clause of the Senate bill, S. 988, and to insert in lieu thereof the provisions of the bill, H.R. 7036, as passed, as follows: That this Act may be cited as the "Health Research Act of 1980".

Sec. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH  
 "ORGANIZATION OF NIH

"Sec. 401. (a) The National Institutes of Health is an agency of the Service. The fol-

lowing national research institutes are agencies of the National Institutes of Health:

"(1) The National Cancer Institute.  
 "(2) The National Heart, Lung, and Blood Institute.

"(3) The National Institute of Arthritis, Metabolism, and Digestive Diseases.

"(4) The National Institute on Aging.  
 "(5) The National Institute of Allergy and Infectious Diseases.

"(6) The National Institute of Child Health and Human Development.

"(7) The National Institute of Dental Research.

"(8) The National Eye Institute.  
 "(9) The National Institute of Neurological and Communicative Disorders and Stroke.

"(10) The National Institute of General Medical Sciences.

"(11) The National Institute of Environmental Health Sciences.

"(12) Each national research institute established by the Secretary under subsection (b).

"(b) (1) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and related programs relating to any particular disease or groups of diseases or any other aspect of human health when the Secretary determines that an additional institute is necessary to carry out such activities.

"(2) Any institute established under paragraph (1) may be abolished and its functions transferred elsewhere in the National Institutes of Health upon a finding by the Secretary that a separate institute is no longer required for such purposes.

"(3) In lieu of the establishment under paragraph (1) of an additional institute with respect to any disease, diseases, or other aspect of human health the Secretary may expand the functions of any national research institute so as to include functions with respect to such disease, diseases, or other aspect of human health, and the Secretary may terminate such expansion and transfer the functions given such institute elsewhere in the National Institutes of Health upon a finding by the Secretary that such expansion is no longer necessary. In the case of any such expansion of an existing institute, the Secretary may change the title of the institute so as to reflect its new functions.

"(c) For purposes of this title, the term 'national research institute' means a national research institute referred to in subsection (a).

"APPOINTMENT AND AUTHORITY OF DIRECTORS OF NIH

"Sec. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereinafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) The Secretary, and the Director of NIH pursuant to such delegation as the Secretary may prescribe—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and other administrative entities within the National Institutes of Health;

"(3) for the national research institutes

and other administrative entities within the National Institutes of Health—

"(A) may—  
 "(1) after consultation with the National Institutes of Health Advisory Board, acquire and construct, and

"(ii) improve, repair, operate, and maintain,

laboratories, other research facilities, other facilities, equipment, and other real or personal property (including patents), and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(4) may secure resources for research conducted by or through the National Institutes of Health;

"(5) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service on such groups;

"(6) shall assure that research at the National Institute of Health is subject to review in accordance with section 472;

"(7) may secure for the National Institutes of Health consultation services and advice of persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to carry out effectively this title.

The Secretary may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(c) (1) The Secretary, after consultation with the National Institutes of Health Advisory Board, may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than two hundred experts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2) (A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the

assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States.

"(d) There shall be in the National Institutes of Health an Assistant Director to whom the Director of NIH shall delegate the function of promoting the prevention, education, and health information programs of the national research institutes and coordinating such programs between the institutes and between the institutes and other public and private entities.

**"NATIONAL INSTITUTES OF HEALTH ADVISORY BOARD**

"SEC. 403. (a) The Secretary shall appoint a National Institutes of Health Advisory Board (hereinafter in this section referred to as the 'Advisory Board'). The Advisory Board shall advise, consult with, and make recommendations to the Secretary and the Director of NIH with respect to the functions under section 402 and with respect to the policies to be followed in the exercise of such functions.

"(b) (1) The Advisory Board shall consist of—

"(A) twelve members appointed by the Secretary from among the leading representatives of the health and scientific disciplines;

"(B) five members appointed by the Secretary from leaders in each of the fields of public policy, law, health policy, economics, and management and one member appointed by the Secretary from the general public; and

"(C) such nonvoting, ex officio members as the Secretary may designate to assist the Advisory Board in carrying out its functions. Not less than four of the appointed members of the Advisory Board shall be experts in public health or the behavioral or social sciences.

"(2) Members of the Advisory Board who are officers or employees of the United States shall not receive any compensation for service on the Advisory Board. The other members of the Advisory Board shall receive, for each day they are engaged in the performance of the functions of the Advisory Board, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of the Advisory Board is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and of the members first appointed to the Advisory Board—

"(1) five members shall be appointed for a term of three years,

"(2) five members shall be appointed for a term of two years, and

"(3) three members shall be appointed for a term of one year,

as designated by the Secretary at the time of appointment. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to the Advisory Board before two years from the date of the expiration of such term of office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(d) The chairman of the Advisory Board shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of NIH

to be the chairman of the Advisory Board. The term of office of the chairman shall be two years.

"(e) The Advisory Board shall meet at the call of the chairman or upon the request of the Director of NIH, but at least four times in each fiscal year. The Advisory Board may hold such hearings, take such testimony, and sit and act at such times and places as the Advisory Board deems advisable to carry out its functions.

"(f) The Director of NIH shall designate a member of the staff of the National Institutes of Health to serve as the executive secretary of the Advisory Board. The Director of NIH shall make available to the Advisory Board such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of NIH shall provide orientation and training for new members of the Advisory Board to provide them with such information and training as may be appropriate for their effective participation in the functions of the Advisory Board.

"(g) In carrying out its functions the Advisory Board may appoint subcommittees, convene workshops and conferences, and collect data.

"(h) The Advisory Board shall prepare, for inclusion in the annual report under section 404, an annual report respecting the activities of the Advisory Board and including its recommendations respecting the program policies of the Secretary and the Director of NIH.

**"ANNUAL REPORT**

"SEC. 404. The Secretary shall transmit to the President and to the Congress an annual report which shall be prepared by the Director of NIH and which shall consist of—

"(1) a description of the activities carried out through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health, a five-year plan for such activities and policies, and such recommendations respecting such policies as the Secretary deems appropriate;

"(2) without revision, the annual report of the National Institutes of Health Advisory Board; and

"(3) the annual reports of the Directors of each of the national research institutes and, without revision, the annual report of the advisory council for each such institute. Each report shall be submitted not later than November 30 of each year and shall relate to the fiscal year ending on the preceding September 30.

**"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES**

**"APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES**

"SEC. 407. (a) The Director of the National Cancer Institute shall be appointed by the President, and the Directors of the other national research institutes shall be appointed by the Secretary.

"(b) (1) With respect to the human disease or disorder or other aspect of human health for which the institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health,

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and other disorders,

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities, and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes under-

lying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the review prescribed under section 472 and advisory council review prescribed by section 408(a) (3) (A) (i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training for which fellowship support may not be provided under section 461;

"(D) shall develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) shall develop, conduct, and support public and professional education and information programs;

"(F) shall secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institutes to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institutes for their activities, and, in the case of gifts of a value in excess of \$50,000, establish suitable memorials to the donor;

"(I) may secure for the institutes consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institutes.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, through the Director of each national research institute—

"(A) may approve any contract for resources for research conducted at or through the institute, except that if the total cost of the contract to be approved exceeds \$500,000 the contract may be approved only after the advisory council to the institute has recommended approval of the contract;

"(B) may approve other contracts under paragraph (1) for research or training, except that—

"(i) if the total cost of the contract to be approved does not exceed \$500,000, the contract may be approved only after appropriate technical and scientific review in accordance with section 472, and

"(ii) if the total cost of the contract to be approved exceeds \$500,000, the contract may be approved only after appropriate technical and scientific review in accordance with section 472 and recommendation for approval by the advisory council to the institute; and

"(C) may approve grants, and cooperative agreements under paragraph (1) for research or training except that—

"(i) if the direct cost of the grant, or cooperative agreement to be approved does not exceed \$50,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 472, and

"(ii) if the direct cost of the grant, or cooperative agreement to be approved exceeds \$50,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 472 and recommendation for approval by the advisory council to the institute.

"(c) In carrying out subsection (b), each Director of a national research institution shall—

"(1) coordinate the activities of the institute with similar programs of other public and private entities; and

"(2) cooperate with the Directors of other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute.

#### "ADVISORY COUNCILS

"Sec. 408. (a) (1) Except as provided in subsection (1), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the institute on matters related to the activities carried out through the institute and the policies respecting such activities, and (B) shall carry out special functions prescribed by part C.

"(2) Each advisory council for a national research institute shall recommend to the Secretary acceptance, in accordance with section 501, of conditional gifts for study, investigation, or research respecting the disease, diseases, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A) (i) shall (I) on the basis of the materials provided under section 472(d) (2) respecting research conducted at the institute, make recommendations to the Director of the institute respecting such research, and (II) periodically review the program of research which is being carried out at the institute and make recommendations to the Director respecting the program, (ii) shall review contracts and applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 407(b) (2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, (iii) shall review contracts proposed to be entered into for resources for research and for which advisory council approval is required under section 407(b) (2) and recommend for approval contracts that will effectively meet the needs of the institute, (iv) may review any grant, contract, or cooperative agreement proposed to be made or entered into and (v) may review the activities carried out under contracts and cooperative agreements referred to in clauses (ii) and (iii);

"(B) may collect information as to studies which are being carried on in the United States or any other country as to such disease, diseases, or other aspect of human health by correspondence or by personal investigation of such studies, and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public;

"(C) shall advise the Secretary and the Director of the institute respecting the portion of the funds appropriated for the institute which should be obligated for grants, contracts, and cooperative agreements; and

"(D) may appoint subcommittees and convene workshops and conferences.

"(4) Any advisory council established by the Secretary for a national research institute established under section 401(b) may be terminated by the Secretary when the new institute which occasioned such new advisory council is terminated.

"(b) (1) Each advisory council shall consist of nonvoting, ex officio members and eighteen members appointed by the Secretary. The ex officio members of an advisory council shall consist of the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, or the designees of such persons and such additional officers or employees of the United States as the Secretary deems necessary for the advisory council to effectively carry out its functions. The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Twelve members shall be appointed from among the leading representatives of the health and scientific disciplines relevant to the activities of the institute for which the advisory council is established.

"(B) Five members appointed by the Secretary from leaders in each of the fields of public policy, law, health policy, economics, and management and one member appointed by the Secretary from the general public.

Of the members appointed to each advisory council, not less than four shall be experts in public health or the behavioral or social sciences.

"(2) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to stagger the terms of the members. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within ninety days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the institute for which the advisory council is established to be the chairman of the advisory council. The term of office of the chairman shall be two years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The advisory council may hold such hearings, take such testimony, and sit and act at such times and places as the advisory council deems advisable to carry out its functions.

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to

the advisory council such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) This section does not terminate the membership of any advisory council to a national research institute which was in existence on the date of the enactment of the Health Research Act of 1980. After such date—

"(1) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition prescribed by this section,

"(2) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section, and

"(3) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(h) Each advisory council shall prepare for inclusion in the annual report made under section 404 an annual report (1) respecting the activities of the advisory council in the fiscal year respecting which the report is prepared, (2) commenting on the progress of the national research institute for which it was established in meeting its objectives, and (3) making recommendations respecting the future directions and program and policy emphasis of the institute.

"(i) (1) This section applies to the National Cancer Advisory Board, the advisory council for the National Cancer Institute, except that (A) appointments to such Board shall be made by the President, (B) of the members appointed to the Board not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors), (C) the chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years, (D) the ex officio members of the Board shall be the Secretary, the Director of the Office of Science and Technology Policy, the Director of NIH, the chief medical officer of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission or the designees of such persons, and a medical officer designated by the Secretary of Defense, and (E) the Board shall meet at least four times each fiscal year.

"(2) This section applies to the advisory council to the National Heart, Lung and Blood Institute, except that the advisory council shall meet at least four times each fiscal year.

#### "ANNUAL REPORT

"Sec. 409. The Director of each national research institute shall prepare for inclusion in the annual report made under section 404 an annual report which shall consist of—

"(1) a description of the activities and program policies of the Director of the Institute in the fiscal year respecting which the report is prepared; and

"(2) a five-year plan for such activities and policies and such recommendations as the Director of the institute deems appropriate.

## "AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 410. (a) The following amounts are authorized to be appropriated for the national research institutes:

"(1) (A) For the National Cancer Institute (other than its programs under sections 413 and 415), there are authorized to be appropriated \$400,000,000 for the fiscal year ending June 30, 1972, \$500,000,000 for the fiscal year ending June 30, 1973, \$600,000,000 for the fiscal year ending June 30, 1974, \$750,000,000 for the fiscal year ending June 30, 1975, \$830,000,000 for the fiscal year ending June 30, 1976, \$985,000,000 for the fiscal year ending September 30, 1977, \$923,590,000 for the fiscal year ending September 30, 1978, \$924,500,000 for the fiscal year ending September 30, 1979, \$927,000,000 for the fiscal year ending September 30, 1980, \$1,074,000,000 for the fiscal year ending September 30, 1981, \$1,220,000,000 for the fiscal year ending September 30, 1982, and \$1,376,000,000 for the fiscal year ending September 30, 1983.

"(B) There are authorized to be appropriated for the programs under section 413, \$20,000,000 for the fiscal year ending June 30, 1972, \$30,000,000 for the fiscal year ending June 30, 1973, \$40,000,000 for the fiscal year ending June 30, 1974, \$53,500,000 for the fiscal year ending June 30, 1975, \$68,500,000 for the fiscal year ending June 30, 1976, \$88,500,000 for the fiscal year ending September 30, 1977, \$84,560,000 for the fiscal year ending September 30, 1978, \$90,500,000 for the fiscal year ending September 30, 1979, \$103,000,000 for the fiscal year ending September 30, 1980, \$80,500,000 for the fiscal year ending September 30, 1981, \$91,500,000 for the fiscal year ending September 30, 1982, and \$103,000,000 for the fiscal year ending September 30, 1983.

"(C) There are authorized to be appropriated for section 415, \$90,000,000 for the fiscal year ending September 30, 1981, \$108,000,000 for the fiscal year ending September 30, 1982, and \$130,000,000 for the fiscal year ending September 30, 1983.

"(2) (A) For the National Heart, Lung, and Blood Institute (other than its programs under section 422) there are authorized to be appropriated \$375,000,000 for the fiscal year ending June 30, 1973, \$425,000,000 for the fiscal year ending June 30, 1974, \$475,000,000 for the fiscal year ending June 30, 1975, \$339,000,000 for fiscal year 1976, \$373,000,000 for the fiscal year ending September 30, 1977, \$426,320,000 for the fiscal year ending September 30, 1978, \$470,000,000 for the fiscal year ending September 30, 1979, \$515,000,000 for the fiscal year ending September 30, 1980, \$570,700,000 for the fiscal year ending September 30, 1981, \$648,320,000 for the fiscal year ending September 30, 1982, and \$731,300,000 for the fiscal year ending September 30, 1983. Of the sums appropriated under this subsection for any fiscal year, not less than 15 per centum of such sums shall be reserved for programs respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs respecting blood diseases and blood resources.

"(B) There are authorized to be appropriated for the programs under section 422, \$25,000,000 for the fiscal year ending June 30, 1973, \$35,000,000 for the fiscal year ending June 30, 1974, \$45,000,000 for the fiscal year ending June 30, 1975, \$10,000,000 for fiscal year 1976, \$30,000,000 for the fiscal year ending September 30, 1977, \$30,000,000 for the fiscal year ending September 30, 1978, \$40,000,000 for the fiscal year ending September 30, 1979, \$45,000,000 for the fiscal year ending September 30, 1980, \$45,000,000 for the fiscal year ending September 30, 1981, \$45,000,000 for the fiscal year ending September 30, 1982, and \$50,000,000 for the fiscal year ending September 30, 1983.

"(3) (A) For the National Institute of Arthritis, Metabolism, and Digestive Diseases

(other than activities of or relating to the Institute for which appropriations are authorized under subparagraph (B)), there are authorized to be appropriated \$393,798,000 for the fiscal year ending September 30, 1981, \$447,355,000 for the fiscal year ending September 30, 1982, and \$504,616,000 for the fiscal year ending September 30, 1983.

"(B) (i) For each of the advisory boards under section 435 there are authorized to be appropriated \$300,000 for the fiscal year ending September 30, 1981, \$300,000 for the fiscal year ending September 30, 1982, and \$300,000 for the fiscal year ending September 30, 1983.

"(ii) (I) For grants for arthritis demonstration projects under section 436(a) there are authorized to be appropriated \$3,000,000 for the fiscal year ending September 30, 1978, \$4,000,000 for the fiscal year ending September 30, 1979, and \$5,000,000 for the fiscal year ending September 30, 1980, and for each of the next three fiscal years.

"(II) For the arthritis data system under section 436(c) there are authorized to be appropriated \$1,000,000 for the fiscal year ending September 30, 1978, \$1,250,000 for the fiscal year ending September 30, 1979, and \$1,500,000 for the fiscal year ending September 30, 1980, and for each of the next three fiscal years.

"(iii) For multipurpose arthritis centers under section 437 there are authorized to be appropriated \$11,000,000 for the fiscal year ending June 30, 1976, \$20,000,000 for the fiscal year ending June 30, 1977, \$18,700,000 for the fiscal year ending September 30, 1978, \$19,000,000 for the fiscal year ending September 30, 1979, \$20,000,000 for the fiscal year ending September 30, 1980, \$14,000,000 for the fiscal year ending September 30, 1981, \$17,000,000 for the fiscal year ending September 30, 1982, and \$20,000,000 for the fiscal year ending September 30, 1983.

"(iv) For diabetes research and training centers and the diabetes data system under section 438 there are authorized to be appropriated \$8,000,000 for the fiscal year ending June 30, 1975, \$12,000,000 for the fiscal year ending June 30, 1976, \$20,000,000 for the fiscal year ending June 30, 1977, \$12,000,000 for the fiscal year ending September 30, 1978, \$20,000,000 for the fiscal year ending September 30, 1979, \$20,000,000 for the fiscal year ending September 30, 1980, \$14,000,000 for the fiscal year ending September 30, 1981, \$17,000,000 for the fiscal year ending September 30, 1982, and \$20,000,000 for the fiscal year ending September 30, 1983.

"(4) For the National Institute on Aging, there are authorized to be appropriated \$80,780,000 for the fiscal year ending September 30, 1981, \$91,766,000 for the fiscal year ending September 30, 1982, and \$103,512,000 for the fiscal year ending September 30, 1983.

"(5) For the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated \$248,574,000 for the fiscal year ending September 30, 1981, \$282,380,000 for the fiscal year ending September 30, 1982, and \$318,525,000 for the fiscal year ending September 30, 1983.

"(6) For the National Institute of Child Health and Human Development, there are authorized to be appropriated \$241,164,000 for the fiscal year ending September 30, 1981, \$273,962,000 for the fiscal year ending September 30, 1982, and \$309,029,000 for the fiscal year ending September 30, 1983.

"(7) For the National Institute of Dental Research, there are authorized to be appropriated \$78,839,000 for the fiscal year ending September 30, 1981, \$89,561,000 for the fiscal year ending September 30, 1982, and \$101,025,000 for the fiscal year ending September 30, 1983.

"(8) For the National Eye Institute, there are authorized to be appropriated \$163,000,000 for the fiscal year ending September 30, 1981, \$180,000,000 for the fiscal year ending

September 30, 1982, and \$200,000,000 for the fiscal year ending September 30, 1983.

"(9) For the National Institute of Neurological and Communicative Disorders and Stroke, there are authorized to be appropriated \$279,268,000 for the fiscal year ending September 30, 1981, \$317,248,000 for the fiscal year ending September 30, 1982, and \$357,856,000 for the fiscal year ending September 30, 1983.

"(10) For the National Institute of General Medical Sciences, there are authorized to be appropriated \$360,600,000 for the fiscal year ending September 30, 1981, \$409,642,000 for the fiscal year ending September 30, 1982, and \$462,076,000 for the fiscal year ending September 30, 1983.

"(11) For the National Institute of Environmental Health Sciences, there are authorized to be appropriated \$96,834,000 for the fiscal year ending September 30, 1981, \$110,003,000 for the fiscal year ending September 30, 1982, and \$124,083,000 for the fiscal year ending September 30, 1983.

"(b) For each national research institute and for each activity for which there is an appropriation authorization for the fiscal year ending September 30, 1983, under subsection (a) there is authorized to be appropriated for the fiscal year ending September 30, 1984, the amount authorized to be appropriated for the preceding fiscal year plus 15 per centum of such amount unless Congress by law authorizes a different amount.

"(c) (1) No funds appropriated under section 301(a) may be used for any activity undertaken by or through a national research institute listed in paragraphs (1) through (11) of section 401(a).

"(2) No funds appropriated under subsection (a) may be used for National Research Service Awards under section 461.

"(d) (1) If the authorization of appropriations under subsection (a) for a national research institute is not sufficient to enable the institute to accelerate research in an area of special promise or to pursue a breakthrough in research, the Director of NIH may, upon request, allocate, from funds appropriated under paragraph (2), to the institute such funds as may be necessary to accelerate such research or to pursue such a breakthrough.

"(2) There is authorized to be appropriated for the period ending September 30, 1983, to the Director of NIH to carry out paragraph (1) \$100,000,000 to remain available for obligation in such period. The Director of NIH may not request an appropriation under this paragraph unless the request has been approved by the National Institutes of Health Advisory Board.

"(3) The Director of NIH shall report annually to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a description of the activities for which funds were provided under paragraph (1) and the amount provided for each such activity.

## "PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

## "Subpart 1—National Cancer Institute

## "PURPOSE OF INSTITUTE

"SEC. 411. The general purpose of the National Cancer Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to the cause, diagnosis, prevention, and treatment of cancer.

## "NATIONAL CANCER PROGRAM

"SEC. 412. The National Cancer Program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes and including an ex-

panded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

#### "CANCER CONTROL PROGRAMS

"Sec. 413. The Director of the Institute shall establish and support, demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting the detection, diagnosis, prevention, and treatment of cancer and rehabilitation and counseling respecting cancer to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer, and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

#### "SPECIAL AUTHORITIES OF THE SECRETARY AND THE DIRECTOR

"Sec. 414. (a) The Secretary, acting through the Director of the Institute, shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the National Cancer Program—

"(1) may establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) may, with the approval of the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which research can be expected to inure to the benefit of the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) may, with the approval of the advisory council for the Institute, support appropriate programs of education (including continuing education) and training;

"(4) may encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the

Institute's advisory council and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6) (A) may—

"(i) with the approval of the Institute's advisory council, acquire and construct, and

"(ii) improve, repair, operate, and maintain, such laboratories, other research facilities, equipment, and other real or personal property (including patents) as the Director deems necessary;

"(B) may make grants for new construction or renovation of facilities; and

"(C) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, with the approval of the Institute's advisory council, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(8) may, subject to section 407(b)(2), enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(9) (A) shall prepare and submit, directly to the President for review and transmitted to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the National Cancer Program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

#### "NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"Sec. 415. The Director of the Institute, under policies established by the Director of NIH and after consultation with the Institute's advisory council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 473), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer, and (4) demonstration purposes. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 461. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of

the operations of such center by an appropriate scientific review group established by the Director.

#### "PRESIDENT'S CANCER PANEL

"Sec. 416. (a) (1) The President's Cancer Panel (hereinafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President, who by virtue of their training, experience, and background are exceptionally qualified to appraise the National Cancer Program.

"(2) (A) Members of the Panel shall be appointed for three-year terms, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member who has been appointed for a term of three years may not be reappointed to the Panel before two years from the date of the expiration of such term of office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the National Cancer Program, and shall report directly to the President. Any delays or blockages in rapid execution of the Program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the Program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the Program and suggestions for improvements, and shall submit such other reports as the President shall direct.

#### "Subpart 2—National Heart, Lung, and Blood Institute

##### "PURPOSE OF THE INSTITUTE

"Sec. 421. The general purpose of the National Heart, Lung, and Blood Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

##### "HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"Sec. 422. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

##### "INFORMATION AND EDUCATION CENTER

"Sec. 423. The Secretary, acting through the Director of the Institute, shall establish an information and education center to col-

lect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Secretary shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases, and

"(2) programs designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

**"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES PROGRAM**

"Sec. 424. (a) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereinafter in this subpart referred to as the 'Program') may provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving biological, physical, and engineering sciences to all facets of heart, blood vessel, lung and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionation, and distribution of it and its products;

"(7) the education (including continuing education) and training of scientists, clinical investigators, and educators, in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(8) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and

the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council to the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council to the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2) (A) may—

"(i) after approval of the advisory council to the Institute, acquire and construct, and

"(ii) improve, repair, operate, alter, renovate, and maintain, heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property (including patents) as the Director deems necessary; and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 407(b) (2), may enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and non-profit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

"(c) There shall be in the Institute an assistant director to coordinate and promote the prevention, education, and health information programs of the Institute who shall be appointed by the Director of the Institute.

**"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES**

"Sec. 425. (a) (1) The Director of the Institute may provide, in accordance with subsection (b), for the development of—

"(A) ten centers for basic and clinical

research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or non-profit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of, the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 473),

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term

'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 461.

#### "INTERAGENCY TECHNICAL COMMITTEE

"Sec. 426. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"Subpart 3—National Institute of Arthritis, Metabolism, and Digestive Diseases

#### "PURPOSE OF THE INSTITUTE

"Sec. 431. The general purpose of the National Institute of Arthritis, Metabolism, and Digestive Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to arthritis and related musculoskeletal diseases, diabetes mellitus and endocrine and metabolic diseases, digestive diseases, and kidney, urologic, and hematologic diseases.

#### "INFORMATION AND EDUCATION CENTERS

"Sec. 432. The Secretary, acting through the Director of the Institute, shall establish—

"(1) an information and education center for arthritis and related musculoskeletal diseases,

"(2) an information and education center for diabetes mellitus and endocrine and metabolic diseases,

"(3) an information and education center for digestive diseases, and

"(4) an information and education center for kidney, urologic, and hematologic diseases,

to identify, collect, analyze, and disseminate information respecting the diseases and to serve as a national educational resource for patients with such diseases and their families, physicians, and other health professionals.

#### "ASSOCIATE DIRECTORS FOR ARTHRITIS, DIABETES, DIGESTIVE DISEASES, AND KIDNEY, UROLOGIC, AND HEMATOLOGIC DISEASES

"Sec. 433. In the Institute there shall be an Associate Director for Arthritis and Related Musculoskeletal Diseases, an Associate Director for Diabetes, Endocrinology, and Metabolic Diseases, an Associate Director for Digestive Diseases, and an Associate Director for Kidney, Urologic, and Hematologic Diseases who, under the supervision of the Director shall be responsible for—

"(1) the coordination of the programs of the Institute respecting arthritis and related musculoskeletal disease, diabetes mellitus and endocrine and metabolic diseases, digestive diseases, and kidney, urologic, and hematologic diseases, respectively; and

"(2) monitoring and reviewing expenditures and activities of the other national research institutes related to such diseases and the identification of research opportunities in Federal activities related to such diseases and recommendation of means to take advantage of such opportunities.

#### "INTERAGENCY COORDINATING COMMITTEES

"Sec. 434. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis and related musculoskeletal diseases, diabetes mellitus and endocrine and metabolic diseases, digestive diseases, and kidney, urologic, and hematologic diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities,

the Director of NIH shall establish an Arthritis Interagency Coordinating Committee, a Diabetes Mellitus Interagency Coordinating Committee, a Digestive Diseases Interagency Coordinating Committee, and a Kidney, Urologic, and Hematologic Diseases Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research involving the diseases with respect to which the Committee is established and shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or his designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for the Secretary and the Director of NIH detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the sixtieth day after the end of each fiscal year.

#### "ADVISORY BOARDS

"Sec. 435. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board, the National Diabetes Advisory Board, and the National Digestive Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex-officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex-officio members of each Advisory Board: the Director of NIH or his designee, the Director of the Institute or his designee, the Associate Director of the Institute appointed under section 433 for the diseases for which the Advisory Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions.

"(c) Members of an Advisory Board who are officers or employees of the Federal Gov-

ernment shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including travel-time) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with—

"(1) such support staff, and

"(2) such administrative support services and facilities, such information, and such services of consultants,

as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) review and evaluate the implementation of the plan (referred to in section 439) respecting the diseases with respect to which the Advisory Board was established;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Secretary, the Director of NIH, the Director of the Institute, and the head of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the Coordinating Committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(1) In carrying out its functions the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data.

"(j) Each Advisory Board shall submit to the Secretary and to the Congress an annual report—

"(1) which describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) which describes and evaluates the progress made in such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) which summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) which contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h) (1).

"(k) Each Advisory Board shall expire on September 30, 1983.

"(1) The National Arthritis Advisory Board and the National Diabetes Advisory Board in existence on the date of the enactment of the Health Research Act of 1980 shall terminate not later than ninety days after

such date. The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of such days.

**"ARTHRITIS DEMONSTRATION PROJECTS AND DATA SYSTEM**

"Sec. 436. (a) The Secretary may make grants to public and other nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis screening and detection and for referral for treatment, and for dissemination of information on these methods to the health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 437, and (3) the data system established under subsection (c).

"(b) Projects under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis; and

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis.

"(c) (1) The Director shall establish the arthritis data system for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with asymptomatic and symptomatic types of arthritis, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis.

"(2) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 437, and other persons engaged in arthritis programs.

"(d) The Secretary, acting through the Institute, shall conduct a clinical investigation of the safety and efficacy of dimethylsulfoxide as a drug to be used by persons with arthritis. The Secretary shall report to Congress not later than one year after the date of the enactment of this subsection the results of the investigation conducted under this subsection.

**"MULTIPURPOSE ARTHRITIS CENTERS**

"Sec. 437. (a) The Director of the Institute may, after consultation with the advisory council to the Institute and consistent with the arthritis plan developed pursuant to the National Arthritis Act of 1974, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis research, screening, detection, diagnosis, prevention, control, and treatment, for education related to arthritis, and for rehabilitation of individuals who suffer from arthritis. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1) (A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and complications resulting from arthritis, including research into implantable biomaterials and biomechanical and other orthopedic procedures and in the development of other diagnostic and treatment methods;

"(B) training programs for physicians and other health and allied health professionals in current methods of diagnosis, screening and early detection, prevention, control, and treatment of arthritis, and in research in arthritis;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis; and

"(D) programs for the dissemination to the general public of information—

"(1) on the importance of early detection of arthritis, of seeking prompt treatment, and of following an appropriate regimen; and

"(2) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for nurses and allied health professionals enrolled in training programs described in paragraph (2) (B).

"(c) Each center assisted under this section may conduct programs to—

"(1) develop new and improved methods of screening and early detection, referral, and diagnosis of individuals with a risk of developing arthritis, asymptomatic arthritis, or symptomatic arthritis,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(e) The Director shall evaluate on an annual basis the activities of centers receiving support under this section and shall report to the appropriate committees of

Congress the results of his evaluations on or before November 30 of each year.

"(f) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

**"DIABETES RESEARCH AND TRAINING CENTERS; DIABETES DATA SYSTEM**

"Sec. 438. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development, or substantial expansion of centers for research and training in diabetes mellitus and endocrine and metabolic disorders. Each center developed or expanded under this section shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and endocrine and metabolic diseases and the complications resulting from such diseases, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications. Insofar as practicable, centers developed or expanded under this section shall be located geographically on the basis of population density throughout the United States and in environments with proven research capabilities. A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in training programs described in clause (B).

"(b) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) The Director shall evaluate on an annual basis the activities of centers developed or expanded under this section and shall report to the Congress, on or before November 30 of each year, the results of his evaluation.

"(d) The Director shall establish the diabetes data system for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes.

**"ANNUAL REPORT**

"Sec. 439. The Director of the Institute shall prepare for inclusion in the annual report made under section 404 a description of the Institute's activities—

"(1) under the current Arthritis Plan under the National Arthritis Act of 1974,

"(2) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act, and

"(3) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

"Subpart 4—National Institute on Aging

**"PURPOSE OF THE INSTITUTE**

"Sec. 441. The general purpose of the National Institute on Aging (hereinafter in this subpart referred to as the 'Institute') is the

and support of biomedical, social, and behavioral research, training, health information, and related programs with respect to the aging process and the diseases and other special problems and needs of the aged.

**"SPECIAL FUNCTIONS OF THE SECRETARY**

"Sec. 442. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Director of the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of programs and activities assisted or conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute-sponsored and other relevant aging research and studies and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

**"Subpart 5—National Institute of Allergy and Infectious Diseases**

**"PURPOSE OF THE INSTITUTE**

"Sec. 443. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information, and related programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

**"Subpart 6—National Institute of Child Health and Human Development**

**"PURPOSE OF THE INSTITUTE**

"Sec. 445. The general purpose of the National Institute of Child Health and Human Development (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to maternal health, child health, human growth and development, including prenatal development, population research, and special health problems and requirements of mothers and children.

**"SUDDEN INFANT DEATH SYNDROME**

"Sec. 446. The Secretary shall, through the Director of the Institute, conduct and support research which specifically relates to sudden infant death syndrome.

**"Subpart 7—National Institute of Dental Research**

**"PURPOSE OF INSTITUTE**

"Sec. 447. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information, and related programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental diseases and conditions.

**"Subpart 8—National Eye Institute**

**"PURPOSE OF INSTITUTE**

"Sec. 448. The general purpose of the National Eye Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information, and related programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and requirements of the blind. The Secretary may, through the Director of the

Institute and without regard to section 472, carry out a program of grants for public and private nonprofit vision research facilities.

"Subpart 9—National Institute of Neurological and Communicative Disorders and Stroke

**"PURPOSE OF THE INSTITUTE**

"Sec. 450. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke is the conduct and support of research, training, health information, and related programs with respect to neurological disease and disorders, stroke, and disorders of human communication. Of the sums appropriated for any fiscal year under section 410 for research by the Institute, not less than \$16,000,000 shall be obligated for basic and clinical research in the area of regeneration of the spinal cord.

**"REYE'S SYNDROME PROGRAMS**

"Sec. 451. (a) The Secretary shall establish, through the National Institute of Neurological and Communicative Disorders and Stroke, the Reye's Syndrome Coordinating Committee (hereinafter referred to in this section as the 'Committee').

"(b) (1) The Committee shall be composed of—

"(A) the Director of the National Institute of Neurological and Communicative Disorders and Stroke;

"(B) the Director of the National Institute of Allergy and Infectious Diseases;

"(C) the Director of the National Institute of Arthritis, Metabolism, and Digestive Diseases;

"(D) the Director of the National Institute of Child Health and Human Development;

"(E) the Director of the National Institute of General Medical Sciences;

"(F) the Director of the National Heart, Lung and Blood Institute; and

"(G) the Director of the Center for Disease Control.

"(2) The Director of the National Institute of Neurological and Communicative Disorders and Stroke shall serve as Chairman.

"(3) (A) The Secretary, acting through the Committee, shall make grants to and enter into contracts with public and nonprofit private entities to establish two comprehensive Reye's syndrome diagnostic and treatment centers. Each center shall be located in a single institution.

"(B) A center established under this paragraph shall—

"(i) conduct basic and clinical research relating to the causes, diagnosis, early detection, and treatment of Reye's syndrome;

"(ii) develop new and improved treatments for the detection, diagnosis, and treatment of Reye's syndrome;

"(iii) provide training programs for physicians relating to the early diagnosis, control, and treatment of Reye's syndrome;

"(iv) develop professional education programs and information for physicians relating to the treatment of Reye's syndrome, and disseminate such information;

"(v) develop and disseminate public information relating to Reye's syndrome;

"(vi) disseminate within the scientific and medical communities the results of the research and training conducted under this paragraph; and

"(vii) develop standardized methods of recordkeeping of patient data.

"(C) In considering applications for grants and contracts to establish Reye's syndrome diagnostic and treatment centers under this paragraph, the Committee shall consider among other factors—

"(i) the geographic distribution of reported Reye's cases;

"(ii) the work in progress in Reye's syndrome or similar childhood diseases;

"(iii) the number of persons to be served by the program; and

"(iv) the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts.

"(D) No grant or contract may be made under this paragraph unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(E) The Secretary shall prescribe regulations for the operation of the Committee, and the centers shall report to the Committee from time to time as required by such regulations.

"(F) Grants under this paragraph shall be for no more than three years, except that the Secretary, acting through the Committee, may extend for two additional years the period for grants if he determines, upon review of the activities under the grants by the Committee and consideration of recommendations made by the Committee, that such extension is appropriate.

"(4) (A) The Secretary, acting through the Committee, shall make grants to and enter into contracts with public agencies, nonprofit private entities, and individuals, not associated with the centers established under paragraph (3), to conduct research relating to the diagnosis, control, and treatment, of Reye's syndrome. Such grants and contracts shall be for no more than three years.

"(5) The Secretary shall, not later than April 1, 1984, submit a report prepared by the Committee and approved by the Director of the National Institute of Neurological and Communicative Disorders and Stroke, to Congress. Such report shall account for the activities, accomplishments, and progress of the centers and research grants provided by this section, and shall recommend such further action relating to Reye's syndrome as the Committee determines appropriate.

"(6) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(7) (A) For each center established under paragraph (3), there are authorized to be appropriated \$750,000 for the fiscal year ending September 30, 1981, \$750,000 for the fiscal year ending September 30, 1982, and \$750,000 for the fiscal year ending September 30, 1983.

"(B) There are authorized to be appropriated for grants and contracts under paragraph (4), \$500,000 for the fiscal year ending September 30, 1981, \$500,000 for the fiscal year ending September 30, 1982, and \$500,000 for the fiscal year ending September 30, 1983.

**"Subpart 10—National Institute of General Medical Sciences**

**"PURPOSE OF THE INSTITUTE**

"Sec. 453. The general purpose of the National Institute of General Medical Sciences is the conduct and support of research, training, and, as appropriate, health information and related programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

**"Subpart 11—National Institute of Environmental Health Sciences**

**"PURPOSE OF THE INSTITUTE**

"Sec. 454. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information, and related programs with respect to factors in the environment that affect human health, directly or indirectly.

**"PART D—NATIONAL INSTITUTE OF MENTAL HEALTH**

**"ESTABLISHMENT OF INSTITUTE**

"SEC. 455. (a) There is established the National Institute of Mental Health (hereinafter in this part referred to as the 'Institute') to administer the programs and authorities of the Secretary with respect to mental health. The Secretary acting through the Institute, shall, in carrying out the purposes of sections 301 and 303 of this Act and the purposes of the Community Mental Health Centers Act (other than part C of that Act) with respect to mental illness, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of mental illness and for the rehabilitation of the mentally ill. The Secretary shall carry out through the Institute the administrative, financial management, policy development, and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities.

"(b) (1) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

"(2) The Director, with the approval of the Secretary, may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the programs and authorities to be carried out through the Institute.

"(c) The programs to be carried out through the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.

**"PART E—AWARDS AND TRAINING**  
**"NATIONAL RESEARCH SERVICE AWARDS**

"SEC. 461. (a) (1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration or under programs administered by the Division of Nursing of the Health Resources Administration, in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the national research institutes and Administration or Division of Nursing are directed.

"(ii) training at the National Institutes of Health and at the Administrations of individuals to undertake such research,

"(iii) biomedical and behavioral research at public and nonprofit private institutions (including a research center assisted under part C of this title),

"(iv) research at the National Center for Health Services Research, the National Center for Health Statistics, and the National Center for Health Care Technology,

"(v) training at such Centers to undertake such research,

"(vi) research on the matters set forth in section 304(a) (2) at public institutions and at nonprofit private institutions, and

"(vii) pre- and post-doctoral training at such public and private institutions of individuals to undertake biomedical and behavioral research and the research described in clause (vi), and

"(B) make grants to public and nonprofit private institutions (including a research center assisted under part C of this title) to enable such institutions to make to individuals selected by them National Research Service Awards for research (and training to undertake biomedical and behavioral research and the research described in subparagraph (A) (vi)) in the matters described in subparagraph (A) (1).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support, residences.

"(3) National Research Service Awards may be made for research or research training in only those subject areas for which, as determined under section 463, there is a need for personnel.

"(b) (1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c) (1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a) (1) (A) (iii), (a) (1) (A) (vi), or (a) (1) (A) (vii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a) (1) (B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a) (1) (B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a) (1) (B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Award made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for pre-doctoral training, and

"(B) three years in the aggregate for post-doctoral training,

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the

reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c) (1) (A) Each individual who receives a National Research Service Award shall, in accordance with paragraph (2), engage in—

"(i) health research or teaching or any combination thereof which is in accordance with usual patterns of academic employment,

"(ii) if authorized under subparagraph (B), serve as a member of the National Health Service Corps or serve in his specialty, or

"(iii) if authorized under subparagraph (C), serve in a health-related activity approved under that subparagraph,

for a period computed in accordance with paragraph (2).

"(B) Any individual who received a National Research Service Award and who is a physician, dentist, nurse, or other individual trained to provide health care directly to individual patients may, upon application to the Secretary, be authorized by the Secretary to—

"(i) serve as a member of the National Health Service Corps, or

"(ii) provide services in his specialty for a medically underserved population (as defined in section 1302(7)),

in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(C) Where appropriate the Secretary may, upon application, authorize a recipient of a National Research Service Award, who is not trained to provide health care directly to individual patients, to engage in a health-related activity in lieu of engaging in health research or teaching if the Secretary determines that there are no suitable health research or teaching positions available to such individual.

"(2) (A) The requirement of paragraph (1) applies to an individual if the cumulative period of the award or awards received by the individual exceeds twelve months. Such requirement shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe.

"(B) The Secretary shall (i) by regulation prescribe (I) the type of research and teaching which an individual may engage in to comply with such requirement, and (II) such other requirements respecting such research and teaching and alternative service authorized under paragraphs (1) (B) and (1) (C) as he deems necessary; and (ii) to the extent feasible, provide that the members of the National Health Service Corps who are serving in the Corps to meet the requirement of paragraph (1) shall be assigned to patient care and to positions which utilize the clinical training and experience of the members.

"(C) The period of service required by paragraph (1) is computed as follows: For each month in excess of twelve for which an individual holds a National Research Service Award, such individual shall—

"(i) for one month engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, or, if so authorized, serve as a member of the National Health Service Corps, or

"(ii) if authorized under paragraph (1) (B) or (1) (C), serve for one month in the individual's specialty or engage in a health-related activity.

"(3) (A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (2) (A), to comply with such require-

ments, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \phi \left( \frac{l-s}{t} \right)$$

in which 'A' is the amount the United States is entitled to recover; 'φ' is the sum of the total amount paid under one or more National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(4) (A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards \$207,947,000 for the fiscal year ending June 30, 1975, \$165,000,000 for fiscal year 1976, \$185,000,000 for the fiscal year ending September 30, 1977, \$161,390,000 for the fiscal year ending September 30, 1978, \$197,500,000 for the fiscal year ending September 30, 1979, \$210,000,000 for the fiscal year ending September 30, 1980, \$222,500,000 for the fiscal year ending September 30, 1981, \$232,991,000 for the fiscal year ending September 30, 1982, and \$262,814,000 for the fiscal year ending September 30, 1983. Of the sums appropriated under this subsection, not less than 15 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a) (1) (A) and not less than 50 per centum shall be made available for grants under subsection (a) (1) (B) for National Research Service Awards. In any fiscal year not more than 4 per centum of the amount obligated to be expended under this section may be obligated for National Research Service Awards for periods of three months or less.

#### "VISITING SCIENTIST AWARDS

"SEC. 462. (a) The Secretary may make awards (referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remunera-

tion which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

#### "STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 463. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b) (1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Sciences or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of NIH.

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least once every two years.

#### "PART F—GENERAL PROVISIONS

##### "INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 471. (a) The Secretary shall by regulation require that each entity which applies for a grant or contract under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant or contract assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'In-

stitutional Review Board') to review biomedical and behavioral research—

"(1) which is conducted at or sponsored by such entity,

"(2) which involves human subjects, and

"(3) which is supported by Federal financial assistance,

to protect the rights of the human subjects of such research. This subsection does not apply to research which, as determined under regulations of the Secretary, does not involve risk to human subjects.

"(b) The Secretary shall establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately.

##### "PEER REVIEW

"SEC. 472. (a) The Secretary, after consultation with the Director of NIH, and where appropriate, the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the head of the Division of Nursing of the Health Resources Administration (or the successor to either such entity), shall by regulation require appropriate technical and scientific peer review of—

"(1) applications made for grants and cooperative agreements under this Act for biomedical and behavioral research (including research under programs of such Division of Nursing); and

"(2) biomedical and behavioral research and development contracts to be administered through the National Institutes of Health, the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, or the Division of Nursing of the Health Resources Administration (or the successor to any such entity).

"(b) Regulations promulgated under subsection (a) shall require that the review of grants, contracts, and cooperative agreements required by the regulations be conducted—

"(1) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of the Health Research Act of 1980 to grants under this Act for biomedical and behavioral research, and

"(2) to the extent practical, by peer review groups performing such review on or before such date.

"(c) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(d) The Director of NIH shall establish procedures for periodic, technical and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

##### "USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 473. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for personal services, stenographic recording and translating services; by contract if deemed necessary, without regard to section 3709 of the Revised Statutes; travel

expenses (including the expenses of attendance at meetings when specifically authorized by the Secretary); rental, supplies and equipment, purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of passenger motor vehicles; printing and binding (in addition to that otherwise provided by law); and for all other necessary expenses in carrying out the provisions of this title.

#### "GIFTS"

"Sec. 474. The Secretary may, in accordance with section 501, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations of \$50,000 or over for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or institute of suitable memorials to the donors."

Sec. 3. (a) The National Advisory Health Council established under section 217 of the Public Health Service Act is terminated.

(b) Section 217(a) of such Act is amended—

(1) in the first sentence—

(A) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(B) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(2) in the second sentence—

(A) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health, and";

(B) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(C) by striking out ", alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "and alcohol abuse and alcoholism"; and

(3) by striking out the third sentence.

(c) Subsection (b) of section 217 of such Act is repealed and subsections (c), (d), (e), and (g) are redesignated as subsections (b), (c), (d), and (e), respectively.

(d) Section 222(c) of the Public Health Service Act is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate."

(e) Section 301(a) of such Act is amended—

(1) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the Department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the Department involved or the

National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research";

(2) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "such additional means" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the Department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means"; and

(3) by adding at the end of the section the following: "The Secretary may not carry out this subsection through a national research institute listed in paragraphs (1) through (11) of section 401(a)."

Sec. 4. The Comptroller General shall evaluate the National Research Service Awards program under section 461 of the Public Health Service Act to determine the effect of the program on the number of physicians who enter the various medical specialties. The Comptroller General shall report the results of such evaluation to the Congress not later than January 1, 1983.

Sec. 5. Section 317(j) is amended (1) by striking out "or 4" in paragraph (5) and inserting in lieu thereof "(4), or (5)", (2) by redesignating paragraph (5) as paragraph (6), and (3) by adding after paragraph (4) the following new paragraph:

"(5) For the purpose of grants under subsection (a) for preventive health service programs for tuberculosis there are authorized to be appropriated \$15,000,000 for the fiscal year ending September 30, 1981, \$17,000,000 for the fiscal year ending September 30, 1982, and \$19,000,000 for the fiscal year ending September 30, 1983."

Sec. 6. The Comptroller General of the United States shall study—

(1) the performance of review functions by advisory councils to the national research institutes under section 408(a)(3)(A) of the Public Health Service Act; and

(2) the performance of review under section 472(d) of the Public Health Service Act of research at the national research institutes.

The Comptroller General shall, not later than January 1, 1983, complete the study under this section and report the results of it to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

Sec. 7. (a) Whenever in this section (other than in subsections (k) and (l)(1)) an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

(b) The second sentence of section 1501(b)(1) (42 U.S.C. 300k-1(b)(1)) is amended by striking out "in" and inserting in lieu thereof "including those in".

(c) Section 1513(g)(2) (42 U.S.C. 3001-2(g)(2)) is amended by striking out "three years" and inserting in lieu thereof "five years".

(d) Section 1516(d)(3) (42 U.S.C. 3001-5(d)(3)) is amended (1) by inserting after "of subsection (c)(1)" the following: "(but without regard to the dollar limit prescribed by subparagraph (A)(ii))", and (2) by inserting before ", to the extent" the following: "no such agency shall receive a grant in excess of \$3,750,000 and".

(e) The first sentence of section 1524(c) (6) (42 U.S.C. 300m-3(c)(6)) is amended by striking out "section 409" and inserting in lieu thereof "section 409 or 410".

(f) Section 1527(b)(3)(B) (42 U.S.C. 300m-6(b)(3)(B)) is amended (1) by striking out "that (1)" and inserting in lieu thereof "that", (2) by striking out ", which intends

to acquire the controlling interest or which intends to use the facility is" and inserting in lieu thereof "which intends to acquire the controlling interest in or use the facility is (1)", (3) by striking out "and (ii)" and inserting in lieu thereof "and", and (4) by striking out "or the requirements of clauses (1) and (ii) of subparagraph (B) of paragraph (1)" and inserting in lieu thereof ", or (ii) a health care facility which meets the requirements of clauses (1), (ii), and (iii) of subparagraph (B) of paragraph (1) and with respect to its patients meets the requirements of clause (iv) of such subparagraph".

(g) The last sentence of section 1531(3) (42 U.S.C. 300n(3)) is amended (1) by striking out "An individual" and inserting in lieu thereof "Notwithstanding subparagraph (B), an individual", and (2) by striking out "an entity" and inserting in lieu thereof "one or more entities".

(h) Section 1531(5) (42 U.S.C. 300n(5)) is amended by striking out "maintained or developed by the Department of Commerce and".

(i) Section 1531(6) (42 U.S.C. 300n(6)) is amended by adding at the end the following: "The term 'capital expenditure' does not include an expenditure made by or on behalf of a health care facility for health research at the facility if the obligation of the expenditure or the operating costs of the research will not affect the charges of the facility for the provision of medical or other health services, if the research will not involve the provision of such services to patients of any health care facility, and if the person making the expenditure files a notice with the State agency of the State in which the facility is located describing the nature of the research and providing assurances satisfactory to the State agency that the expenditure or operating costs will not affect such charges and the research does not involve the provision of medical or other health services to patients of any health care facility. A notice required by the preceding sentence respecting an expenditure shall be made in writing and filed with the appropriate State agency at least thirty days before any contractual arrangement is entered into to make the expenditure."

(j) Section 1532(b)(12)(D) (42 U.S.C. 300n-1(b)(12)(D)) is amended by striking out "administratively".

(k) Section 124(c) of Public Law 96-79 (93 Stat. 627) is amended to read as follows:

"(c) (1) Section 1524(b)(1)(C) is amended by striking out 'one-third' and inserting in lieu thereof 'one-half'.

"(2) Section 1524(b)(1)(D) is amended (A) by striking out 'two' and inserting in lieu thereof 'one', and (B) by striking out 'an ex officio' and inserting in lieu thereof 'a nonvoting, ex officio'."

(1) (1) Section 129(b)(2)(A) of Public Law 96-79 (93 Stat. 630) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Planning Technical Amendments of 1980".

(2) Section 1521(d)(1)(B)(1) (42 U.S.C. 300m(d)(1)(B)(1)) is amended by striking out "Health Planning and Resources Development Amendments of 1979" and inserting in lieu thereof "Health Planning Technical Amendments of 1980".

(m) Section 338(a) (42 U.S.C. 254k(a)) is amended (1) by striking out "and" after "1979"; and (2) by adding before the period a semicolon and the following: "and \$94,000,000 for the fiscal year ending September 30, 1981".

SEC. 8. This Act and the amendments made by this Act do not authorize appropriations for the fiscal year ending September 30, 1980.

The motion was agreed to.

The Senate bill was ordered to be read

a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to national research institutes, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 7036) was laid on the table.

#### GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill, H.R. 7036, just under consideration.

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

There was no objection.

#### PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL 4 P.M., THURSDAY, SEPTEMBER 4, 1980, TO FILE MINORITY OR ADDITIONAL VIEWS ON H.R. 7418, NUCLEAR WASTE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until 4 p.m., Thursday, September 4, 1980, to file minority or additional views to be printed as a separate part of the report, on the bill (H.R. 7418) to establish a research, development, and demonstration program for the disposal of radioactive wastes.

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

There was no objection.

#### PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO FILE REPORT ON HOUSE RESOLUTION 745

Mr. ROBINSON. Mr. Speaker, on behalf of the gentleman from Massachusetts (Mr. BOLAND) and myself, I ask unanimous consent that the Permanent Select Committee on Intelligence have until midnight tonight to file a report on House Resolution 745.

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

There was no objection.

#### LEGISLATIVE PROGRAM

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

Mr. RHODES. Mr. Speaker, I take this time to inquire of the gentleman from California (Mr. MINETA), the distin-

guished acting majority leader, as to the program for the balance of the week and next week.

Mr. MINETA. If the distinguished minority leader will yield, on Monday, September 1, and Tuesday, September 2, the Labor Day recess, the House will not be in session.

On Wednesday, September 3, the House will meet at noon and will first take up the District of Columbia appropriations bill for fiscal year 1981.

Following that, the House will consider H.R. 7201, health professions educational assistance and nurse training amendments, an open rule, with 1 hour of general debate.

On Thursday, September 4, and Friday, September 5, the House will meet at 10 a.m., and will take up the Private Calendar.

Following that, the House will consider House Resolution 745, resolution of inquiry directed to the President of the United States; then we will take up H.R. 7765, the omnibus budget reconciliation bill.

Then we will take up H.R. 7765, the omnibus budget reconciliation bill.

If time remains, we will then complete consideration of H.R. 7235, Rail Act of 1980;

H.R. 6790, Foreign Service Act of 1980, an open rule, with 1 hour of general debate;

H.R. 6721, Airport and Airway Improvement Act of 1980, a modified rule, with 2½ hours of general debate;

H.R. 7265, DOE authorizations of defense programs, an open rule, with 1 hour of general debate, the rule already having been adopted;

Complete consideration of H.R. 7115, National Science Foundation authorization, fiscal year 1981; and

H.R. 7244, increase U.S. quota in International Monetary Fund, an open rule, with 1 hour of general debate.

The House will adjourn by 3 p.m. on Friday, and adjournment times on Wednesday and Thursday will be announced.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. RHODES. I thank the gentleman.

#### AUTHORIZING THE CLERK TO RECEIVE MESSAGES FROM SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED, NOTWITHSTANDING ADJOURNMENT

Mr. MINETA. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 3, 1980, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

#### AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS, AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. MINETA. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 3, 1980, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

□ 1440

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

#### APPOINTMENT OF CONFEREES ON SECTIONS 1, 2, AND 3 OF SENATE AMENDMENT TO H.R. 1197, TONNAGE MEASUREMENT SIMPLIFICATION ACT

The SPEAKER pro tempore. Without objection, the Chair appoints as conferees, solely on sections 1, 2, and 3 of the Senate amendment to H.R. 1197, to simplify the tonnage measurement of certain vessels, and modifications committed to conference, the following Members: Messrs. ASHLEY, MURPHY of New York, DINGELL, BIAGGI, DE LA GARZA, McCLOSKEY, SNYDER, and LENT.

There was no objection.

#### DEATH OF GOV. JAMES B. LONGLEY

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

Mrs. SNOWE. Mr. Speaker, I rise today in order to bring to the attention of my colleagues the sad news of the recent death of former Gov. James B. Longley of Maine.

I would like to take this occasion to share with the other Members of the House some thoughts about the late Governor, and to place in the record the eulogy written for Governor Longley by his former administrative assistant, and close friend, Jim McGregor.

This eulogy praising Governor Longley is most appropriate since it was with true sadness and regret that we learned of his death last week.

Governor Longley will be remembered as one of Maine's most outstanding public servants. He will be remembered not only for what he did but for what he

stood for as well. He will be remembered for his dedication to service, for his commitment to principle, and for his pursuit for those causes in which he so deeply believed.

As a Governor, Jim Longley placed principle ahead of politics. For those of us who served in the Maine Legislature during his tenure as Maine's chief executive, we can look with admiration and respect to the energy and dedication he brought to the office. Never once did he duck a tough issue. Never once did he pass the buck when he was faced with a difficult decision.

His accomplishments as Governor will surely be recorded in history as extraordinary. When others in such tough times may have thrown in the towel, Jim Longley stood up and fought with remarkable success for fiscal restraint, for government that was closer to the people, and for a government that tried to allow for new hope and opportunity for all people from all walks of life.

But Jim Longley will be remembered not merely for his accomplishments as Governor. He will be remembered as a truly fine and decent man, a man willing to lend a helping hand to a person in need, a man committed above all else to doing what he believed was right, and a man of total devotion to his family.

Jim Longley will be missed. We owe him our gratitude for making Maine a better place to live.

Mr. McGregor's eulogy follows:

**EULOGY FOR AN UNCOMMON MAN, GOV. JAMES B. LONGLEY 1924-80**

Jim Longley was a good man.

Ordinarily, that would be a sufficient eulogy for any individual. However, something more begs to be said about the former Maine governor.

Most of us are common men and although our passing might be mourned by family and a circle of close friends, our absence from the Earth usually won't leave a permanent scar. Although we might not like to admit it, any gaps we might leave behind will heal almost as quickly as the raw earth that will cover our graves. But, the death of an uncommon man leaves voids in society that will never be completely filled.

A few uncommon men are born each generation and they generally achieve success and greatness. That is because they possess qualities that would have made them leaders, no matter what time in history they appeared. Whether it be by fate or design, they come among us to lead, to establish standards for a quality of life, and to preserve and perpetuate the dignity of mankind.

Jim Longley was such a man.

Most Maine people and, indeed, many throughout the country know the Jim Longley story—the guy who defied the odds and won, no matter if it was a journey from rags to success in business or the taking of a 200-to-one shot in a governor's race and winning. Whether it was in high school, college, business or politics he was the leader; never the follower. He led the parade. He dared to be great. He prevailed against all odds.

He was, in a sense, a rare combination of Don Quixote and Sir Thomas More. Like the idealistic Don, he dreamed the impossible dream; but unlike literature's great crusader, Jim Longley left his path strewn with deeds. Yet, his visions were that of Don Quixote and, like that often perplexing Sir

Thomas, he was moralistic to an exacting fault.

Jim Longley was driven to perform; to totally utilize the talents and gifts with which he had been anointed.

As a result, he planted far more flowers than he picked.

He wiped away more tears than he caused.

He had an innate sense for fairness and justice, and he practiced what he preached in that regard.

A final tally shows that he gave to the world far more than he took during his years upon this Earth. It is a far better place because he passed through.

Jim Longley obtained success, fame, and the respect and admiration of a nation of people because he was an uncommon man. He possessed uncommon intelligence, uncommon insights, uncommon drive, and uncommon ambitions. As a result, he was not always a patient man, and he was often demanding of people whom he felt were not performing to the best of their abilities. But, these traits were his working tools and they sometimes temporarily concealed from public view the compassion, caring and understanding which marked the real Jim Longley.

He was as tough as nails when it came to getting a job done. He gave 150 percent to every task, whether it was chairing a local United Way drive, building his business into one of the country's best, becoming Maine's first independent governor, or doing in political office what he told the people he would do.

Yet, he was an old softie when it came to people with problems. As governor, he didn't waste a lot of time on programs for people who had the ability to fend for themselves. Instead, he reserved his compassion, and many state dollars, for retarded children and adults at Pineland Center. He made more trips to Thomaston Prison than any governor ever had. He became personally involved in the lives of families who wrote or called the governor's office with a problem. He didn't take the easy out and buck them to an aide.

In his lifetime, he probably set a record for visiting the most people in hospitals and for attending the most funerals. He picked up hitchhikers, bought bus tickets for stranded wanderers, paid college tuitions for underprivileged youths, coached a hockey team for an orphanage, and bailed friends and strangers alike out of personal and financial crises.

I've considered myself very lucky because I had the opportunity to work closely for five years with Jim Longley . . . in his gubernatorial campaign and as his administrative assistant while he served as governor. I consider myself even more fortunate to have been his friend. I had the chance to stand in a very tall shadow.

Be that as it may, being a friend of and caring for an uncommon man is not purely a blessing. It also carries with it a curse.

The uncommon man will never be forgotten and the lives of those left behind will never be quite the same again. For the family members and friends who loved Jim Longley, the mourning will never completely end, no matter how many years pass. Time simply will not heal the wounds. Every day there will be a remembrance; hearts will feel heavy and ache a little; and an occasional tear will fall.

That is the curse of caring for an uncommon man.

The mark Jim Longley left on the government of Maine during the four years he served as governor will be a permanent and positive one. He utilized every minute he served to the fullest. He established benchmarks for performance, for service and for excellence.

He removed the appointment of judges from the partisan political process by estab-

lishing a system of making the judicial appointments on the basis of character and legal ability.

When Jim Longley assumed office in January of 1975, he was confronted with predictions by some political leaders that the state would need to raise 50-to-100 million dollars in additional taxes to keep pace with inflation and to accommodate the ever-increasing demands upon government for services. However, the independent from Lewiston had visited the mills, the factories and the small businesses throughout the state and he entered office with the knowledge that the working men and women of Maine were already having a difficult time surviving and that they could not shoulder a greater tax burden. By combining his unique talents as a businessman with his personal philosophy of fiscal conservatism and liberal humanitarianism he was able to not only hold the line on state budgets, but also to write new political history by giving the people tax rebates. He had the political courage to say no to programs that benefitted the bureaucracy more than they did the people and he had the compassion to increase government funding in areas where there was true need.

In the areas of industrial and economic development, Jim Longley became perhaps the most active and successful salesman this state has ever seen. He personally called on businesses and industries throughout the nation, telling them of the beauty of Maine and her people and the work ethic of the citizens here. His track record in this area has been well recorded. Literally thousands of new jobs were created because of his personal involvement and dedication.

These were tangible accomplishments, but the intangible gifts Jim Longley left may be even more important. At a time in American history when people in America were losing faith in government, he demonstrated that honesty and true public service could still exist. He demonstrated that the average citizen can still have an impact on government. He proved, for an entire nation to see, that one man can make a difference.

Jim Longley did not serve at an easy time. Indeed, the state not only was experiencing its biggest financial problems ever, but it was also beset by major social and economic conditions. The novice governor was confronted on an almost daily basis for four years with problems dealing with the Maine Indian Land Claims, the right-to-treatment suit at Pineland Center, the proposed closing of Loring Air Force Base, and unrest in our prisons. During Jim Longley's term, he fought to retain Loring Air Force Base, the Pineland right-to-treatment suit was settled out of court, the Indian land claims were modified where the people of Maine would not be required to pay a harsh penalty, and potentially explosive situations at the prisons were cooled time and time again because of the governor's personal intervention.

History will no doubt reflect that the State of Maine was very fortunate to have a man with Jim Longley's leadership capabilities at the helm during a time when Maine lost her innocence and moved into the mainstream of 20th century problems and issues.

Jim Longley can be remembered for many things. Indeed, his contributions to his community, his state and its government, and to business could fill many pages. However, I think he would want to be remembered, not for his successes or his accomplishments as governor, but for the simple fact that while in office he tried every single day to be exactly what he told the people of Maine he would be. Staying on that course was an obsession with him during the four years he served as governor. The fact that he accomplished that objective constituted his proudest and fondest memory after he left office.

But, the uncommon nature of Jim Longley may, in the final analysis, be best evidenced in the way he died. After he knew that his bout with cancer had been unsuccessful and after he had done everything he could to use his own illness to help doctors treat others, he accepted his own mortality with grace and dignity.

He wasted little time saying "why me" and immediately set about to put his affairs in order and to provide strength and encouragement to those who were crushed by his misfortune.

He played with the cards dealt him and complained not that someone else had received a better hand. "No matter what happens," he said over and over again in the final months, "I have been one lucky guy."

The world, the nation, and particularly the State of Maine, are better places to live because Jim Longley passed through; so are the individuals whose lives he touched, no matter how brief the encounter. The positive impact that having known him will have on our lives will far outweigh the curse we will suffer for having loved and cared for an uncommon man.

Since Jim Longley could have been a man for any time, Shakespeare could well have penned an appropriate epitaph when he wrote . . . in the final scene from Hamlet.

"Now cracks a noble heart. Good night, sweet prince,  
And flights of angels sing thee to thy rest!"

#### THE SOCIAL SECURITY SOLUTION

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

Mr. GEPHARDT. Mr. Speaker, some have argued in recent days against offsetting social security taxes through a refundable income tax credit. It is alleged that a proposal like this would postpone a confrontation with the really tough social security problems because it would take pressure off the Congress to remedy the same. It is implied, furthermore, that the social security system will suffer directly from passage of such legislation.

The truth is that H.R. 7046 in no way weakens the social security trust funds. Scheduled payroll taxes for the next 2 years will remain in effect. Revenue to the trust funds is unaffected by a credit against income taxes that takes payroll taxes into account.

Further, the truth is that H.R. 7046, if enacted, will heighten the pressure on the Social Security Subcommittee, on which I proudly serve, to confront the problems we all recognize do exist. If we fail to address the social security tax level we will continue to fail to address the underlying problems in social security which must be solved for the sake of generations to come.

The truth is, as explained in my extended remarks, that H.R. 7046 will stimulate employment, reduce inflation, counter the recession and hasten social security reform.

HOUSE OF REPRESENTATIVES,  
Washington, D.C., August 27, 1980.

DEAR COLLEAGUE: Whether you are a Republican, a Democrat, or an Independent, we all agree that the economy is in trouble and that we should do something about it. Inflation, recession, and unemployment haunt every legislative decision we make. What we disagree on is the solution.

Most people believe a tax cut should be part of the solution, but there is disagreement as to when a tax bill should be considered or passed. My purpose in writing is not to argue that question, but to concentrate on the merits of a Social Security tax credit as opposed to a general individual income tax cut.

In my opinion, our goal in terms of tax policy should be to take small but long range steps that will address inflation, the recession, and unemployment, preferably at one and the same time. In other words, a tax cut that would be non-inflationary, reduce unemployment, yet stimulate productivity as a key to ending the recession, would be the optimum. Can we agree on such a plan? I think we can.

I would offer to you the Social Security Payroll Credit Act of 1980. H.R. 7046 would provide employers, employees, and the self-employed with a refundable credit against income taxes equal to 10% of their payroll taxes. If enacted and made effective January 1, 1981, it would cost the Treasury approximately \$10.4 billion in FY 1981.

#### WHY SOCIAL SECURITY TAXES?

You may ask why I focus on payroll taxes. One of my subcommittee assignments on Ways and Means includes Social Security. I participated in the 1977 debates that resulted in the payroll tax increases that we felt, and I still believe, are necessary to restore fiscal soundness to the Social Security trust funds. Long-term reform of the Social Security System is on our Subcommittee's agenda for the 97th Congress, but the payroll tax increases will still take place as scheduled. On January 1, 1981, payroll taxes will increase to 6.65 percent on employers and employees up to \$29,700.

Yet, unlike local real property taxes or State income taxes, payroll taxes are not taken into account when figuring one's Federal income tax. I believe a universal tax system like the Federal income tax should take into account each taxpayer's total burden. This is true especially when taxes are increasing dramatically as they are. Federal income and Social Security taxes yielded an effective tax rate of 10.2 percent in 1964 for a typical family of four—in 1981, that rate will have risen to 17.8 percent.

In 1981, Social Security taxes for individuals will rise \$6,936. A tax credit slightly over 8 percent would compensate for this. At 10 percent, the bill arguably looks back to the increases borne over the last three years that went unnoticed by Congress in the opinion of most taxpayers despite the tax cuts enacted in the Revenue Act of 1978. The concept in H.R. 7046, at whatever percentage, offers us a flexible opportunity to tell our taxpayers that we recognize the burden they bear and are doing something about it. This, in turn, will heighten the need to deal with the really tough Social Security problems next year.

#### WHY NOT THE SENATE FINANCE COMMITTEE APPROACH?

The Senate Finance Committee has taken one approach. For \$11.1 billion in FY 1981, they have recommended increasing the personal exemption, the standard deduction (zero bracket amount), and the earned income credit; a new deduction to redress the marriage penalty in part; and tax rate reductions for all income categories. Admittedly, the Finance Committee feels that this package takes into account inflation and increases in the payroll tax. But I challenge you to explain to your constituents how a change in the "zero bracket amount" or the "earned income credit" balances out payroll tax increases. Does a tax cut of \$1.468 billion for taxpayers making over \$200,000 make sense to the unemployed? Does increasing the deficit by \$20 billion in this manner hope to be anything but

inflationary? Will \$300 million for working couples increase their productivity? I think not.

#### WHY NOT THE BEST?

In this season of political alternatives, one might also ask, is the Social Security Payroll Credit Act the best tax cut available? I doubt seriously that we could ever agree on what is the best approach in this regard. A comparison of the allocation of revenues under a payroll credit to general rate cuts attached hereto is evidence enough for me as to the better approach. I submit that H.R. 7046 offers the following other advantages over what the Senate Finance Committee has produced:

#### H.R. 7046 STIMULATES EMPLOYMENT

Unemployment rose from 7.0% to 7.7% between April and May and is expected to rise to 8.5% by the end of 1980. This makes the employment-stimulation features of H.R. 7046 especially attractive. On the average it takes \$40,000 in capital for the creation of each new job. H.R. 7046 lowers labor costs directly and thus could lead to the creation of as many as 250,000 jobs. CBO estimates it would reduce the unemployment rate by 2%.

Moreover, the payroll tax credit would have an especially favorable impact upon the service sector of our economy in which a high proportion of minorities and women are employed. A payroll tax credit will create jobs among those who have the most tenuous hold on employment and who are particularly hard hit by the recession.

#### H.R. 7046 REDUCES INFLATION

Because the payroll tax credit reduces the cost of labor, it will result in lower costs of goods and services. CBO estimates that the proposal would lower the Consumer Price Index by as much as .3% because employers will use the credit to hold back commodity price increases. CBO also estimates that real GNP would be almost \$8 billion higher in FY 1982. A payroll tax credit is more than merely non-inflationary—it will have a positive impact on the inflation rate.

#### H.R. 7046 COUNTERS THE RECESSION

Because it will increase purchasing power, create more job opportunities, and lower the rate of unemployment, reduce labor costs and thus lower the cost of goods and services, and increase real GNP, this proposal is a particularly effective step towards easing the current recession.

Coupled with proposals for increased depreciation to favor the capital intensive sector of our economy, I believe the Social Security Payroll Credit Act provides the solution we are looking for. This tax credit complements those proposals because its benefits flow more to labor-intensive businesses, such as the service sector, which contribute the bulk of our GNP.

Yet a payroll tax credit also encourages investment in capital and training throughout the economy. By reducing labor costs and adding to business cash flow, the proposal would provide internally generated funds for investment. At a time when high interest rates discourage borrowing, this credit would have a positive impact on increasing productivity.

#### CONCLUSION

I am not the only person who endorses the payroll tax credit approach. The following endorsements speak for themselves:

"There is an easy alternative: Simply grant a refundable credit against income taxes for a specified percentage of payroll taxes paid. Congressman Gephardt, for example, has introduced a bill pegging the cut at 20 percent for both employers and employees. This would do the trick."

(Walter W. Heller, Regents' Professor Economics, University of Minnesota, August 2, 1979.)

"Social Security tax reductions work through a number of channels. . . . While on balance the effects of payroll tax reductions work more slowly than income tax reductions, the effects are thought to be somewhat larger and last longer. . . . The biggest attraction of Social Security tax reductions is that the reduced business costs tend to offset the effects of higher output on prices, giving a temporary assist to the tradeoff between unemployment and inflation."

(Board of Governors of the Federal Reserve System, Division of Research and Statistics, October 15, 1979.)

"Legislation has been introduced—H.R. 7046 by Representative Gephardt and S. 2920 by Senator Bradley—that would provide a refundable tax credit equal to 10 percent of the Social Security contributions of employees, employers and the self-employed. . . . This type of tax cut would more than offset the scheduled increase for most wage earners, while not affecting the financial stability

of the Social Security Trust Fund. Such a tax cut would meet the standards of fairness, targeted relief to those who need it and help in the fight against recession—standards we believe should be applied to every tax cut proposal."

(Lane Kirkland, President, AFL-CIO, July 30, 1980.)

The Social Security Payroll Credit Act of 1980, H.R. 7046, is no panacea to all our economic problems. But of all the proposals that have been offered in the last few weeks, it is the one which is best calculated to offer immediate benefits to individuals, provide a needed stimulus to business, encourage employment and counter the recession, and yet not be inflationary. Thus, I believe this proposal offers the most responsible way to keep faith with the American people. For that reason alone, it merits the support of Members on both sides of the aisle.

Yours very truly,

RICHARD A. GEPHARDT.

#### DISTRIBUTION OF INDIVIDUAL TAX CUT BY INCOME CLASS

[1979 income levels, in millions of dollars]

Income class	Tax increases under current law:				
	Social security	Inflation minus interest exclusion	Total	Tax reduction proposal including capital gains reduction	10 percent social security payroll credit
Under \$5	286	176	462	270	349.7
\$5 to \$10	636	1,252	1,888	1,985	793.0
\$10 to \$15	852	1,196	2,048	2,237	1,066.2
\$15 to \$20	1,009	1,327	2,336	2,501	1,262.7
\$20 to \$30	1,946	2,615	4,561	4,857	2,365.6
\$30 to \$50	1,664	2,504	4,168	4,466	1,552.7
\$50 to \$100	446	1,435	1,881	2,073	360.7
\$100 to \$200	77	403	480	666	60.2
Over \$200	20	135	155	1,468	15.7
Total	6,936	11,043	17,979	20,523	7,827.5

Joint Committee on Taxation, Aug. 22, 1980.

#### EXTENDING THE PROHIBITION ON ARBITRARY IRS AUDITS OF INDEPENDENT CONTRACTORS

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

Mr. PANETTA. Mr. Speaker, I am today introducing legislation to extend the ban on reclassification of independent contractors by the Internal Revenue Service as employees for tax purposes. My bill would extend the ban that was written into both the Revenue Act of 1978 and Public Law 96-167 until January 1, 1983. If we do not act, the ban will run out at the end of the year.

This entire program was precipitated, as my colleagues will remember, by the sudden decision by the IRS in the early 1970's to begin reclassifying independent contractors as employees.

There are crucial differences in tax status between employees and independent contractors. When an individual is classified as an employee, the employer is required to act as a collecting agent for the Federal Government, withholding and remitting to the Treasury both income taxes and the employees' share of social security taxes, while also paying unemployment taxes and the employer's share of social security taxes. If an individual is classified as an independent contractor, though, he is responsible for paying his own income tax and self-employment taxes.

In years past, the determination of in-

dependent contractor status was made under the common law test. This system worked smoothly and fairly, providing certainty to all parties involved.

Unfortunately, in the early 1970's the IRS arbitrarily decided to begin reclassifying as employees workers who previously had met the common law test for independent contractor status. This policy ran contrary not only to previous court decisions but also to published revenue rulings and private IRS letter rulings and tax audits of the very businesses whose independent contractors were being reclassified. Obviously, this was an extremely unfair and irrational situation. These reclassifications were retroactive, and they presented many companies with huge back tax assessments.

In addition, they removed the certainty upon which companies making use of independent contractors had relied in the past. Of course, the redesignations also hurt the individuals involved, since they suddenly lost their status as independent contractors and became subject to the strictures of employee status.

In 1976, reacting to what they saw as an obvious injustice, both Houses of Congress backed a statement in the conference report on the Tax Reform Act of 1976 which urged the IRS "not to apply any changed position or any newly stated position which is inconsistent with a prior general audit position in this general subject area to past, as opposed to future taxable years" until the completion of a study by the staff of the Joint

Committee on Taxation. The IRS, though, ignored this judgment and continued to initiate audits and to assess businesses with taxes resulting from these reclassifications.

By reclassifying independent contractors in over 14 industries, the IRS was in effect reversing 50 years of past audit practices. Real estate brokers, insurance agents, direct sellers, beauticians, service station operators, loggers, and others were being asked to pay these back taxes on hundreds of individuals who had historically considered themselves independent contractors. It was clear that a legislative remedy had to be found.

In response to this need, I introduced, as did Congressman GEPHARDT and Senator DOLE, legislation to call an immediate halt to audits inconsistent with practices in effect as of January 1976. This legislation drew a great deal of support in the Congress, and the Revenue Act of 1978 included a provision prohibiting the IRS from applying any new or changed position with respect to an individual's tax status for employment tax purposes if the position was inconsistent with pre-1976 practices. This legislation also terminated any tax liabilities for taxpayers who had a reasonable basis for treating workers other than as employees. In December of last year, Congress extended the prohibition on IRS actions in this area until January 1, 1981. That date, needless to say, is approaching rapidly.

My bill would extend the ban on IRS activity for 2 years. Since it is clear that Congress needs a sufficient amount of time to consider this issue, a ban of this length is absolutely necessary. It will permit the 97th Congress to act rationally, without the need for yet another year-end rush to enact a 1-year extension, as happened last year and could happen this year.

I am a supporter of H.R. 3245, introduced by Congressman GEPHARDT, which would establish firm criteria to be met by independent contractors in order to qualify for the tax status which has made sense for them for so many years. Regardless of the final determination made by Congress on that legislation, though, it is important that we act now to stop any improper audit actions by the IRS. Congress, not the bureaucracy, must make tax law in this area.

Following is the text of my bill:

A bill to extend for an additional 2 years certain provisions relating to controversies involving whether individuals are employees for purposes of the employment taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 530 of the Revenue Act of 1978 (relating to termination of certain employment tax liability for periods before 1981) is amended—

(1) by striking out "January 1, 1981" in paragraphs (1) (A) and (3) and inserting in lieu thereof "January 1, 1983",

(2) by striking out "1981" in the subsection heading and inserting in lieu thereof "1983", and

(3) by striking out "1979 and 1980" in the heading for paragraph (3) and inserting in lieu thereof "POST-1978".

(b) Subsection (b) of section 530 of the Revenue Act of 1978 (relating to prohibition against regulations and rulings on employ-

ment status) is amended by striking out "January 1, 1981" and inserting in lieu thereof "January 1, 1983".

#### LAMEDUCK SESSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 60 minutes.

Mr. RHODES. Mr. Speaker, the proposal by the majority to hold a lameduck session in November is tacit admission that they have become legislatively musclebound, and unable to do the public's work. I am reminded of the words of the great Winston Churchill, who in similar circumstances described the fumbling opposition this way:

They are decided only to be undecided, resolved only to be irresolute, adamant for drift, solid for fluidity, and all-powerful for impotence.

During the course of our history, lameduck sessions previously have been held only under extraordinary circumstances, events of national emergency and great demand for congressional action. This proposal simply represents the majority throwing down its tools, walking away from the job, admitting it has frittered away its time, and has failed the American people in responsibility.

It is not difficult to fathom the rationale behind calling a convocation of limping ducks into session after the election. The majority simply wants to duck having to vote on tough issues before the election. The majority has dilly dallied around, failed to establish or follow any priorities, and now finds itself with a long list of so-called must legislation that there is strong doubt is really necessary.

The 96th Congress has not distinguished itself either in quality or adequacy of its legislative output. It has compiled a record of copious procrastination, which has resulted in a legislative logjam. The plain fact is that the majority is trying to dodge establishing a record on key issues prior to facing the electorate. Rather than running on its record, it is running away from having a record, simply by ducking the issues.

The American people, in good faith, elected the Congress to do a job. Now the majority claims that it simply cannot finish its work load before its chosen adjournment date. It would seem to me to be more logical to stay here on the job, to take care of legislation that is important, to fulfill our obligation to the public, assumed when we were elected to the Congress.

By keeping at it until mid-October, much of the legislative backup could be cleared away. I do not know just what the majority believes the political advantage will be to spend more time at home explaining why Congress cannot perform, rather than keeping on the job long enough to do the work. We Republicans certainly are willing to remain at our posts, to meet often and long, to finish the session with important legislation considered and dealt with. We certainly intend to let the American people

know that the self-declared deadline for a legislative cutoff is an arbitrary, and we believe irresponsible, choice made solely by the majority on the basis of political expediency.

The Congress changed the date of the beginning of the fiscal year so that it would have sufficient time to consider appropriations. Yet we find many of them unresolved as we go into the final month of this fiscal year. Consideration under the pressure of an adjournment deadline is not conducive to good legislation. But, again, perhaps that is by design, aimed at getting through dubious funding that would be weeded out under more careful consideration.

There is a great moral question concerning the appropriateness of a lameduck session, after the people have made their choice at the polls. There is the possibility, and I believe with the political machinations already exercised by the majority, the probability, that unwise legislation concerning appointive powers and spending measures could be railroaded through with the votes of those the public has rejected for service in the Congress. Particularly is this a possibility if Mr. Reagan is elected President.

As I travel around this Nation, I find a great deal of popular displeasure with the Congress, which indicates to me that there may well be sizable changes in the political alignment in November. It would be a travesty on responsibility for a lameduck session to enact legislation unwanted by the people.

I see nothing on the crisis horizon that would justify a lameduck session. One has not been held in a Presidential year since 1948, when it became necessary to swear in Members and extend the life of the Hoover Reform Commission. By any measure of national need, this proposed session represents a capricious decision by the majority to avoid its responsibility. There simply is no justification for failing to stick to it and get the job done before going home to campaign.

For the past 25 straight years we have had one-party rule of the Congress. The majority apparently has become so accustomed to running the show that they now feel they can ignore the public interest with impunity, work when and however they wish, and let the public's business go by the boards. I do not believe the American people are in the mood to be politically manipulated this year. I am certain that they will see through this grandstand play, that they will object to the sham, and will not buy the story that Congress is just so busy doing so much that it cannot get it done in 9 months. They will realize that this proposed postelection session has been arranged at the convenience of a callous majority, at the inconvenience of the national interest.

It is a sad culmination of a quarter of a century of gathering arrogance, and illustrates graphically the deterioration of Government when one party stays too long in the saddle. The majority may make its choice—and the public then will make theirs. I am betting that a late November session will be populated

by a greater number of lameducks than the then former majority anticipates.

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

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

Mr. CONABLE. Mr. Speaker, I would like to agree with the gentleman's remarks. My leader, as usual, has told it the way it is. It is a copout.

I have been turning over in my mind some of the things that should be done before this Congress goes to its accounting with the people. It is pretty apparent that they are the reasons more than anything else for the lameduck sessions, such things as the second budget resolution, such things as the more controversial appropriations, many of which will apparently not be completed by the time of our recess for the election period.

It is pretty obvious that the leadership wishes to avoid having to account for these votes to the American people and that that is the primary reason for the lameduck session, rather than a limitation on the time which is available to us precluding accomplishment of these various controversial measures.

I do think that if our democracy is to work properly, the people have a right to judge how their representatives are voting on the most controversial matters, usually the last things to come up at the time of election, rather than 2 years and a few months later, which is the effect if we put these controversial matters over.

I deeply regret that we are not performing our function and having our accounting with the American people in the way we should.

I personally think that a substantial part of this is a failure of leadership at the Presidential level. In the 16 years I have been in Congress I have concluded that our system does depend heavily on Presidential leadership. Many people seeing the disarray of the 96th Congress say to me, "Well, I suppose you're smacking your lips and rubbing your hands as a minority Member because the President, the administration, and the Democratic leaders of the Congress are failing to meet their obligations in such a notorious way."

But quite frankly, it has been my experience that this is not a satisfactory environment in which to work, that as a minority Member, I would much rather respond to policy than to dwell in the swamps of nonpolicy.

I would much rather react and on occasion follow good leadership than I would find myself trying to create some sort of positive leadership as a minority Member myself.

I deeply regret that the President has not projected his leadership, his concept of government and his obligation to generate policy into the Congress so that we can have the kind of response here that will give us a sense of accomplishment and permit the citizens branch here to follow the expertise that a good executive branch should be capable of in the type of system we have. So I blame him as much as I blame our own majority leaders here in the Congress.

I hope that we will find the public being aware of this, despite the failure to complete our legislative accounting before the election.

Mr. RHODES. Well, I thank the gentleman from New York. I could not agree with him more. I think he would agree also, however, that it would certainly be a more salutary situation if, indeed, the leadership of the majority of this party could face up to the fact that there is not a lot of leadership or a lot of stimulus from the executive branch, and in spite of that lack of leadership to rise to the occasion and to enact a legislative program on time which is required for the benefit of the country, instead of actually just saying, "Well, you know, there is nothing we can do about it. Therefore, let us do not do anything that might cause the voters to be any madder than they now are."

Mr. CONABLE. Well, that is a good point.

Mr. Speaker, it seems to me that in most situations of this sort where we have coequal branches of Government where there is a failure of leadership on one level, strong people come forward on another level and fill the vacuum. That has not happened in this Congress. We have wallowed. We have not had a strong policy line generated anywhere. The result is that it is an abysmal record of accomplishment in the 96th Congress, one that I think should, as the gentleman has stated, declare to the American people the bankruptcy of the current majority party leadership.

Mr. RHODES. Mr. Speaker, I would like to yield to the gentleman on my right.

Mr. CARR. Mr. Speaker, I would like to thank the distinguished minority leader for yielding and congratulate him on his efforts to shut Congress down before the election. All of us would like nothing better than to have little or nothing to do for the months of November and December, as has been the congressional tradition all these years.

I know that my taxpayers will aspire to his leadership in trying to figure out a way that you can get paid for 2 months without having to work for it.

Mr. RHODES. I think the gentleman has completely misunderstood the thrust of the minority leader's statement. What I was trying to do is to get the gentleman and his Democratic colleagues to work until the 18th of October instead of knocking off on the 4th of October, so that we can get the job done.

I do not see any reason why we should come back after the election with a lot of lameducks. We did away with lameduck sessions when the 20th amendment was adopted. I am sure the gentleman is too young to remember that, but I remember it very well, with my silver hair and hoary age.

Mr. CARR. Well, if the gentleman would yield further, I would be glad particularly in recognition to his giving me token opposition this year to work right up until election eve. I just would like to be there so I can cast my own vote for myself; but I would like nothing better than to do nothing and have a great old

time and a vacation for the months of November and December. If that is the gentleman's will, I think most of my voters would aspire to the gentleman's leadership.

Mr. RHODES. I am pleased to have the gentleman's support.

Mr. Speaker, I yield to the distinguished minority whip, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I appreciate the distinguished minority leader yielding and I want to commend him for his leadership here in pointing out the sham that is being perpetrated upon members of the minority particularly, and the gentleman from New York who preceded me with pointing out those specific measures which should be enacted before a formal adjournment of this Congress and particularly before the election, but which will be delayed until afterward for obvious reasons.

I guess, Mr. Speaker, if I would make a contribution to this effort here, that it would be in this frame of reference.

When I retire from this body, I hope to take back to Peoria with me a few personal mementos of my years here and the friendship of the colleagues with whom I have served.

I will not take my desk or my equipment, my stationery or the carpet on the floor. They do not belong to me. They belong to the people. When I retire, they will be passed along to someone else. They will be passed along with a card that will give the Member who replaces me the right to vote on behalf of the people. The vote is not mine any more than are the desks and the chairs and the lamps.

When my successor is elected, under whatever circumstance, I will be the lameduck, and I sincerely hope that whenever that time comes I am not called back here to Washington to cast a vote that is, in theory no longer mine. I will come back, all right, and occupy the office and use the desk and the stationery. But I do not want to have to use the vote. The desks are a dime a dozen, piled high in warehouses all over this town. The vote, that is a different matter. It is a precious, rare and honored treasure that people of this Nation allow 1 of every 450,000 to use as they see fit. When they take it away it is for good reason. When it is relinquished, it is relinquished for good. As far as I am concerned we all have a moral obligation to respect the ownership of that vote. We have no right to rush back here like a herd of carnival goers on the last day of the fair and throw it around as though it was just another ring to be tossed at the milk bottles.

Rump sessions or lameduck sessions are a part of our history. That is true. But that part of our history has been written, sealed and put on the library shelves. Modern communication and transportation have eliminated the need for them. Lameduck sessions have their place in times of emergency. That is also true. But in times of emergency in this country, many laws, many traditions and many otherwise legitimate practices are put aside, but never lightly or without good reason.

This is not the 19th century, nor is it a time of national emergency. This is a time when the Congress of this land has neither the gumption, nor the will, nor the decency to do the people's work in the prescribed amount of time. This is a time when the Congress has to cower under the shadow of a national election and run and hide behind the protective cover of the days and weeks after the election. Only then can this Congress work its will without fear of being punished for working against the public will.

It is an embarrassment. The people know the calling of a lameduck session does not suggest that we in this House are working so hard and long that there just is not enough time. It does suggest that we, in a great democracy, are too weak to legislate in the light of day. It suggests that the Congress intends to openly repudiate the decisions the voters will make November 4.

A lameduck session is lame politics, it is lame government, and it is a lame attempt at deceit.

I am not new at this game. I have been around a long time and I know the reasons behind the calling of the session. However, you do not have to be a veteran of the House to understand what is going on. You know what is going on if you have been hanging around this floor for the past 2 years waiting and waiting and waiting for the leadership to call up the important bills, the budget bills, the appropriation bills, the reconciliation bills, and authorization bills. Delay has been the tactic. Confusion has been the strategy and subterfuge the ultimate goal. The leadership, as we know here, is caught in a time warp. They are stuck with a bushel full of bills, a pouch full of promises and a yellowed parchment full of principles straight out of one decade while the American people are living in another. The leadership has to catch up with the country, hope the country digresses back a decade or two, or do their legislating after the election, but before a whole new set of lawmakers from the 1980's enter. And those new Members will be here. That is what is going on. I just hope the American people do not buy it. If they do, they will pay later, and they will pay dearly.

□ 1500

I appreciate the gentleman taking the initiative to point up to the American people what we are confronted with, and they are, too.

Mr. RHODES. I thank the gentleman from Illinois.

Mrs. SMITH of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Speaker, I would like to commend our distinguished leader for calling this special order. I concur fully in everything that has been said. I think it is totally out of order for us to have a lameduck session just because we do not have the courage to vote on tough economic issues now.

One of the reasons for wanting to postpone this voting is the foreign aid

bill. I am on the Subcommittee on Foreign Operations of the Committee on Appropriations, and 7 weeks ago this bill was brought out for \$8.6 billion of foreign giveaways. The folks who are promoting this realize that now the Congress would not vote this level of expenditure, so they want to wait until after the election when the White House thinks it can drum up support for this huge foreign aid program.

I think the people at home expect us to stay here and tend to business and complete our business before the election.

Mr. RHODES. Do I understand the gentlewoman correctly that the foreign aid appropriation bill has been voted out of the subcommittee and is ready for full committee consideration?

Mrs. SMITH of Nebraska. It has been voted out of the full Appropriations Committee for 7 weeks.

Mr. RHODES. And is ready for floor action?

Mrs. SMITH of Nebraska. And is ready for the floor, but we cannot get it up on the floor.

Mr. RHODES. It is not scheduled. Does that not possibly or probably mean after the election, after the voters can no longer be indignant at the majority for bringing this inflated bill up that they might even bring a more inflated bill in?

Mrs. SMITH of Nebraska. Yes, indeed. The fact is that the President is asking us for an even more inflated bill and I think we can lay this right at the door of the White House, this promotion for not voting on foreign aid.

In addition, we have not voted yet on the 1980 foreign aid bill.

Mr. RHODES. This is truly a reason why, then, a majority in this Congress does not want to complete its work. The voters would probably be rather angry at this time at them if they voted for such an inflated bill.

Mrs. SMITH of Nebraska. The voters in my district certainly would be mighty angry, and I think we have this sentiment all across the country. I thank the gentleman for yielding.

Mr. RHODES. Now we are making more sense. We are beginning to understand why and what the motivations are for this rather ludicrous situation.

Mrs. SMITH of Nebraska. Mr. Speaker, I must join my distinguished colleagues to oppose the leadership's stated intent to hold a postelection session of Congress this year.

Everybody knows that this lameduck session would be the leadership's ploy to avoid voting on the tough economic issues while the voters' eyes are upon them, while they can still be held accountable to the people.

Instead, the White House and its allies here in Capitol Hill want to put off consideration of big spending, controversial measures until after the polls close on Tuesday, November 4. Then, they can vote on them quietly, corraling votes for such incredible waste as the misbegotten programs of the foreign aid bill that seem to do little to help the world's poorest of the poor and gain us nothing but

increased hostility of the very people and governments we are trying to assist.

As a member of the House Appropriations Subcommittee on Foreign Operations, I wish to inform my colleagues of the contents of the foreign aid appropriations bill for this year, H.R. 7854. This bill would commit \$8.6 billion more to foreign aid at a time when Americans are seriously questioning this level of expenditure. With this substantial increase, one can well understand the majority's desire to keep bills such as this "under wraps" until November 5.

Mr. Speaker, I think we ought to stay on the job in Washington and attend to the public's business until we complete work on all essential legislation. I plan to work actively for extending this session of Congress as far beyond the scheduled adjournment date of October 4 as is necessary.

I refuse to support any proposal that we stop working and go home to campaign. It is conceivable that as many as 20 percent of the Members participating in a lameduck session this year would no longer be representing the views of their constituents either because of retirement or election defeats.

The principle involved is bad. Historically, lameduck sessions have produced little of value and sometimes actions were in fact harmful to the national interest.

White House allies, the big spenders who lead the Congress, want a session after the election in the mistaken belief that they can ignore the broad and deep change of sentiment among the American people that is calling for a return to financial sanity in Government taxation, spending, borrowing, and regulating.

Mr. Speaker, the majority leadership in this Congress supposedly controls the House and Senate by large margins, nearly 2 to 1, in fact.

Yet, to turn again to the foreign aid bill as an example, this legislation cleared my Appropriations Committee long ago. After all this time, the bill still is not scheduled for action, and there is no sign that it will be.

The leadership knows that if put to a vote now, the foreign aid bill—and much other vital legislation—would be defeated because the Congress would be facing the demands of our Nation's voters.

By delaying these controversial votes until after the election, White House supporters plan to corral enough no longer representative votes to approve vast new funding totals, even though this would controvert the views of the people. This amounts to disenfranchisement.

This, all by itself, is reason enough to oppose any lameduck session this year. The American people must be told that they are in danger of being disenfranchised by the stalling tactics of the White House allies in the Congress.

Our people must be told that the leadership still clings to tired, big-spending programs that no longer have enough vitality to attract popular support.

Less than 3 months ago, these big spenders were telling the American people that they, like economy-minded

Members of the Congress as I am, now believed in a balanced budget. For proof, they proudly pointed to the first concurrent budget resolution for fiscal year 1981 that called for a revenue surplus of \$200 million.

They pointed to this, even though they knew it was a sham. That resolution, raising the tax burden on the American people by more than \$90 billion, was balanced on paper only. It was balanced because it relied on economic assumptions that were blatantly unrealistic.

And now, the President has just abandoned that in favor of still another budget projection for fiscal 1981 in which tax cuts and a huge new deficit are to be accepted.

Mr. Speaker, no wonder the leadership is so anxious to get out of town as soon as they can. But I submit this is an abdication of responsibility to the betrayed and abused taxpayers of this Nation.

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

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

Mr. BAUMAN. I thank the distinguished minority leader for yielding. I want to offer a few thoughts in addition to what he has said.

I, too, would want to adjourn and get out of town as fast as I could if I were TIP O'NEILL, the Speaker of the House, because I know that he is confronted by not only the problem of avoiding votes on issues so his band can be reelected, but he now apparently has mutiny in the ranks.

Mr. Speaker, I would ask unanimous consent to include extraneous matter at this point in my remarks.

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

There was no objection.

LETTER TO AN UNNAMED BUT COURAGEOUS DEMOCRATIC MEMBER OF THE HOUSE

DEAR —: I was extremely disappointed to note that you voted against a motion to uphold the ruling of the Chair last week.

It is elementary to our procedural control of the House that the chair be supported by members of our party. That is basic to a parliamentary body. In other countries if such a vote were lost, the government would fall.

You should know that from 1937 to 1968, there were no recorded votes on the Chair's rulings. From 1968 until 1979, there were four votes. Now we have seen three roll call votes in seven weeks!

Members of the Steering and Policy Committee and the Whip's Organization have discussed these developments, some of them calling for disciplinary measures and meetings. I believe, however, that our best course is to call the above facts to the Members' attention.

I fully understand the pressures that are brought to bear by single-issue groups on such occasions, but I believe members have to be ready to support the orderly process when a member seeks to confuse procedure with issue.

I trust you will take all these facts into consideration in the future. We must work together to enact a legislative program.

Sincerely,

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

Mr. BAUMAN. The extraneous matter

I am including is a letter that went to a number of Members of the majority party dated August 25, 1980, from the Speaker in which they are threatened, in effect, because they have not been going along with the Speaker and the majority leadership's wishes. I do not blame them. They, too, want to be reelected, and to follow the course laid down by the majority leadership is, we understand, the course of disaster.

So discipline is one reason to get out of town in a hurry and not to have to be here before the elections, and that allows the nervous Democrats not to have to vote on issues such as the budget and taxes.

But I would suggest one additional reason, and that has been revealed to us only within the last hour. The President of the United States, in an unprecedented and historic move, has submitted his third budget of the year. He had one in January with a deficit. Then he submitted one in February that was supposedly balanced. Today he has announced a whole new package of supposed tax cuts, and a \$40 billion deficit. My colleagues will remember a few weeks ago he said Ronald Reagan's proposed tax cuts were poison. If that were so, now President Carter is gulping down an even larger amount of poison. He was for a balanced budget earlier this year and now he has abandoned that.

Here is what the dispatch from the wire service says about these new proposals the President has just laid before the country.

Most of the tax and spending initiatives will not be formally proposed as legislation until after the November 4th election, Administration sources said.

So, in the lameduck session, the motto will be "Trust me." My colleagues remember that old phrase, "Trust me," from the 1976 campaign. So the President promises to do all of these things, but he will submit them later. Much later. So not only is the majority avoiding the duties they should be addressing here, not only are they not voting on issues they should be finishing up before the election, now we have a whole list of promises that James Earl Carter of Plains, Ga. is going to make in the campaign. Then when we come back after the election, folks, you can believe it, we will be voting on them.

I think the gentleman from Arizona has raised an important issue, one we will hear a lot about in this House in the next few weeks as the lameduck session draws near.

Mr. RHODES. The gentleman from Maryland (Mr. BAUMAN) has brought up a very important point. The first budget, as he says, was not balanced. The second budget was jiggered around a bit and it apparently had a fairly precarious balance with the assumptions made, many of which proved to be erroneous. Now we have a third one.

I wonder if the gentleman would agree with me that the track record of this administration for consistency is such that it is really impossible to tell what they really are for and what they are against. The only thing I am really sure of is that Jimmy Carter is for his own re-

election and against his own defeat. If the gentleman can tell me anything else that he is sure the President is for or against, I would like to yield to him for that purpose.

Mr. BAUMAN. I would say you can believe that statement. Trust me.

Mr. LEACH of Iowa. Mr. Speaker, will the gentleman yield?

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

Mr. LEACH of Iowa. My Republican colleagues have noted a number of things that Congress should do before the election but there is one thing above all else it should not do after the election, and that is change the election laws of the United States.

Right now the election laws are such that if by chance the electoral college does not determine the winner in the Presidential election, the next Congress will vote on the next President of the United States.

However, in that event a lameduck session meets, the possibility exists that the Democratic majority will exert muscle to change the law to allow this Congress, rather than the next one, to determine the next President. If that were to occur, the very legitimacy of our Government would be jeopardized. The greatest electoral sham ever propagated upon the American people would occur. And with regard to the previous conversations about the one principle the White House stands for—winning elections—it is clear that this principle is well understood by the majority party of this Congress as well.

I am personally convinced that there is a strong likelihood that Governor Reagan will achieve an absolute majority in electoral college, but in the event no candidate does, we should be prepared to demand that the next Congress determine the next President and not allow any sort of electoral shenanigans to occur in the lameduck session proposed by the majority party. It would be tragic to produce a President not sanctioned directly or even indirectly by the American people.

Mr. RHODES. The gentleman has made a very important point. The way the law of the country now is, in the event that a Presidential election were to be not decided by votes in the electoral college, it would be decided by a vote in the House of Representatives, which would be elected in the same election as the Presidential election occurred. What the gentleman is saying is that with a lameduck session there is a possibility that a party which had gone down in defeat could change the law to try to allow the outgoing, the lameduck Congress to select the next President of the United States. Is that what the gentleman is saying?

Mr. LEACH of Iowa. That is correct. I would certainly hate to see a lameduck Congress cause the creation of a lameduck administration.

Mr. RHODES. I think that is something the people of the country should be well aware of and if, as I feel is certain, the majority of them prefer Governor Reagan to be elected President of the United States, they should also vote

for Republican Members of the House so they can cinch that election in the event that the un hoped for event occurs and the election should go to the House.

Mr. LEACH of Iowa. I thank the minority leader.

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

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

□ 1510

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

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

Mr. LUNGREN. I thank the gentleman for yielding. First, I would like to congratulate the gentleman for bringing this special order. I would have to say in passing, however, I am very sorry to see that we do not have the press corps more in evidence here, because it strikes me as somewhat ironic that if we were discussing a constitutional amendment dealing with the right of the people to be represented, this place would be overflowing, and you would have the press, I think, on the edge of their seats to see exactly what we were going to do.

Yet in 1932 when this body finally decided that we were going to adopt a new amendment to the Constitution, the 20th amendment to the Constitution, to establish those times at which the President would take office and the Congress would take office, the major reason they went through that whole process was to eliminate the possibility of lameduck sessions.

You can read through the RECORD and see speaker after speaker after speaker talk about the tremendous problem we had with the lameduck sessions which were occurring up to that time, and there was debate on both sides of the aisle about that. In that particular year 1932 the Senate decided not to debate it since they had already dealt with it five times before, and instead they put a report in the RECORD to stand for the debate. I would like to cite just one thing from that report to show what the Congress had in mind at that time when they adopted the 20th amendment to the Constitution, which was later ratified by the States. I quote from that report of the Senate:

The only direct opportunity that the citizens of the country have to express their ideas and their wishes in regard to national legislation is the expression of their will through the election of their representatives at the general election in November. During the campaign that precedes this election the great questions demand attention at the hands of the new Congress are discussed at length before the people and throughout the country, and it is only fair to presume that the Members of Congress chosen at that election fairly represent the ideas of a majority of the people of the country as to what legislation is desirable. In a Government "by the people" the wishes of a majority should be crystallized into legislation as soon as possible after these wishes have been made known. These mandates should be obeyed within a reasonable time.

So it is evident what they were trying to eliminate, and that is the possibility of a lameduck session. I think that is what we have been presented with here—

that very great possibility. We are not in an emergency situation. We have had the ability to deal with the second concurrent budget resolution for weeks; yet we have not even attempted to do it. There is talk of certain Members' wanting to make sure that certain pieces of legislation are not brought on the floor until after election so they will not have to deal with those issues when they face the electorate in November. Nobody is being fooled here. I think we know exactly what is going on.

It just seems in terms of representative government that we ought to try at least to follow the spirit of the Constitution, even though we do not violate the letter of the Constitution by having a lameduck session, and proceed honestly far more in keeping with what representative government suggests and what our constituents obviously want. So I thank the gentleman for presenting this.

Again, I must lament the fact that this does not appear to be an issue that is stirring the hearts and minds of the American press, but if there is anything that seems to me they ought to be more concerned about, and the American people ought to be more concerned about, it is with trying to adjust the institutions of government in such a way that we deny the rights of the people of this country to be represented in a timely fashion, and that message has to be brought forward.

I thank the gentleman for doing that.

Mr. RHODES. I thank the gentleman from California.

Mr. Speaker, I now yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I appreciate our minority leader taking this time today to discuss this issue which I am sure, as my previous colleagues have mentioned, will probably not receive a great deal of attention, and that is, why are we having a lameduck session? It should receive more attention.

Many people are asking here in the House, why has the Democrat-controlled Congress decided to "duck" the major problems facing the American taxpayers today? Why do they seek to postpone the major issues until after the November election?

I can tell you why. They are a flock of "dead ducks"—avoiding votes on major controversial issues before November 4—just to insure their own reelection. If this is the case, Mr. Speaker, then this is obviously a "lame" excuse for a Congress to meet.

The Demo-ducks have 2 full months before the November election. One full month before the October 4 recess target date. September's floor schedule should be filled with debate and votes on reconciliation, appropriations, the budget, and above all—tax cuts. But no. Instead the Demo-ducks just quack about balancing the budget and flap their wings about fiscal restraint. They are just sitting on their nests without taking any action.

Is this flighty? I should say so.

The Democrats are side-stepping Republican attempts to create a wise-owl Congress, that not only gives a hoot

about, but acts on legislation to benefit the hard-working American taxpayers. Republican actions are consistently blocked by the Democrats' attempt to hatch an inflated golden egg. While what they want is a golden egg, what we get is bound to be a goose egg. Protected by the security of a new 2-year term, they will have the opportunity to create even greater burdens for the American taxpayers.

Rather than soaring like an American eagle, the Demo-ducks are waddling through this next month like dead ducks only to "quack" down on the American taxpayer's pocketbooks as soon as they get reelected.

If this is the case, Mr. Speaker, I say the Congress and the American people are in the soup—duck soup.

I thank the gentleman for taking this time, because I think it is appropriate that we try to address this issue to the House and have more of our colleagues aware that we know what they are up to.

Mr. RHODES. I thank the gentleman from California for his contribution. This gentleman from California (Mr. ROUSSELOT) as well as the gentleman from California (Mr. LUNGREN) mentioned the fact that there appears to be an amazing vacancy in the press gallery. I think probably the press was possibly not well informed of our intention today. It is my hope, however, that as time goes by and as other Members, as I am sure they will, express themselves on the absolute futility, fraudulent futility, if you will, of an attempt to have a lameduck session rather than do our work, that the press corps will realize that this is an important issue. I am sure that their not being here is not the result of their disinterest. I am sure that they will become interested in this issue.

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

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

Mr. WALKER. I thank the gentleman for yielding.

I also thank the gentleman for taking this time to point out the legislative failure that the lameduck session represents. It struck me as I sat here a few minutes ago and heard the gentleman from the other side of the aisle, who is somewhat in opposition to the gentleman's point about the lameduck session, perhaps unwittingly let the cat out of the bag as to what is really going on here. He mentioned the fact that if we go ahead and complete our work, what we would end up with would be a 2-month vacation. It is my understanding from most of the Members that I know on this side of the aisle that they do not consider that time vacation time.

□ 1520

They would go back to their constituency and listen to the opinions of their constituents, building for the next session of Congress. That is as it always has been.

A couple of years ago, I wrote a book, a history of the Congress as seen from the perspective of one congressional seat. That time was always considered very valuable to Members of Congress. The

time they spent back in their districts learning firsthand from the people because they were living among the people. The time over the years has drawn steadily closer and closer together and we only have a few weeks of that time any more.

Mr. Speaker, I think most of us work very hard in our districts during that time. We go back there to find out what the American people are thinking so that the new session of Congress can really reflect that thinking.

What it seems to me that the other side of the aisle is talking about is going home only to campaign. The only thing they want to do is to go back to their districts and be there in time to take their political case to their constituents. They do not really want to listen to the issues because I think they are afraid of what they hear. They want to come back to Washington, hold this lameduck session that we all know will be a legislative disaster and they will ignore once again the wishes of the American people as we move toward the 97th Congress.

Mr. Speaker, I think the gentleman has made a very valuable contribution here by allowing a number of us to point out this failure and I thank the gentleman for yielding to me.

Mr. RHODES. I yield to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Speaker, my compliments to the distinguished Representative from Arizona for taking the lead in pointing out how flawed is the notion of a lameduck session.

Mr. Speaker, I would only add this: As I travel my district, it seems to me that the Congress as a body has not only lost the affection of the people but, indeed, the respect. I hardly see how we can bring that back by not facing up to the issues as they appear now before we go to the polls. I think if we cast votes that we can go back and defend, that is one thing. People may not agree with them. But if we duck those votes: the foreign aid bill, the rules for the possibility of an election in the House, then I think all we can say is that we must be ashamed of ourselves. We have no real excuse for it and I think our image simply descends further in the eyes of the public.

Mr. Speaker, I thank the gentleman.

Mr. RHODES. I thank the gentleman from Illinois. I now yield to the distinguished gentleman from Arkansas, the chairman of our freshman class, the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Speaker, I think it is important that we continue this educational process. This sort of process is inch by inch. It does not dawn on the media that we are into something vitally important here until we lay out enough facts and enough evidence so that they will begin to see the importance of the lameduck session.

Mr. Speaker, I see it in a little larger sense perhaps than has been discussed here this afternoon. That is in this perspective: The lameduck session is just further evidence to me that there is something inherently wrong with the Congress. The people know that. Public opinion polls have the approval rating of Congress down somewhere in the low

teens. The people can sense something is wrong with the institution. I do not think they really think the individual Members who serve here are corrupt because public opinion polls show the public thinks very highly of their particular Congressman but they think lowly of the institution.

It, therefore, occurs to me that a sort of institutional corruption has occurred which has absolutely nothing to do with the quality of the individual to serve in the body.

I, as the gentleman in the well, have spent a lot of time thinking about that because, as the gentleman mentions I am a new Member here and I have a sort of fresh way of looking at things, I hope.

Having read the gentleman's book called "The Futile System," it occurs to me that perhaps the problem here is that one faction, one party, one group of people has controlled this place for 25 consecutive years. That is not good. That is not healthy. Everyone knows it is not good to leave your sheriff in place in the county for 15 or 20 years. It is good to change him from time to time. The same rule applies to State legislators, the same rule applies to Governors; however, here in this institution one political faction has held control for 25 consecutive years.

As Lord Acton says, power corrupts and absolute power corrupts absolutely. That was the point the gentleman made in his book. It is time for a change. Sweep out all of the committee chairmen who have been in place now for 25 consecutive years. Sweep out those committee staffers who grow in number each year and who perpetuate the mindset that grips this place and makes it so difficult for a new idea, a fresh idea, to give life.

I think the important point here today is to tie this lameduck session to that overall proposition. Let us make the point to the people that the lameduck session that we are about to have this year is just further evidence that those people who held control here for so long cannot govern and that they will not govern.

Mr. Speaker, I thank the gentleman for yielding.

Mr. RHODES. I thank the gentleman from Arkansas. The gentleman is absolutely right. The lameduck session is just the latest symptom of a malady which can best be described as one party in power too long. I am satisfied that the American people are getting the idea.

I now yield to the gentleman from Ohio, the ranking member of the very important Committee on the Budget (Mr. Latta).

Mr. Latta. Mr. Speaker, I thank the gentleman very much for yielding. I want to commend the gentleman for taking this time to point up the need for this Congress to stay here and do its job.

I can think of no better reason for the Congress to stay here and do its job than the proposal just put forth by the President, today, for tax cuts. Here is something that involves \$27.6 billion according to his figures, and very hurriedly put together.

I think the Congress should stay here and examine it. The President says he

wants something done about that after the election, to affect taxpayers in 1981.

I have had an opportunity very quickly to go through some of the main features of this piece of legislation he says we should consider after the election, and I think the American people ought to study it now and this Congress ought to study it now and consider it now and then lay it aside and do something about the real problem.

Speaking of a quick fix, there is no quick fix, here. He wants to put the solution off until 1981.

I think something has to be done. We have a problem now. All you have to do is go out into northwestern Ohio, for example, and visit some of my counties where you have 16-percent unemployment and in the entire State of Ohio you have unemployment at more than 10 percent. The President says put that off until 1981? Hogwash. We have got a problem now, brought on by his economic policies and we ought to do something about it. We ought to have this Congress study this in depth.

Mr. Speaker, I think the American worker should know something about his proposal. On our side of the aisle we have talked about delaying that increase and the tax on social security. It is going to take effect January 1.

Lo and behold in this proposal just put forth by the President he wants to give them a tax credit of 8 percent. Now, when would that be effective? That would be effective on their income tax return that they would file on April 15, 1982. So it means that the American worker would pay those higher social security taxes all through 1981 without any relief by this administration.

I do not know where the President dreamed up that idea but the American working man is not going to buy it and certainly this Congress would not buy it. We ought to be doing something about that now.

Furthermore, I think we ought to be doing something about tax relief to the person who has been paying the taxes. Lo and behold, I find nothing here where the President is going to take care of that great bulk of Americans who are paying income taxes. No rate reduction.

Can you imagine a tax bill not giving those taxpayers who are saddled with this high inflation plus recession, not giving any tax relief in a tax bill? I cannot.

Speaking about unemployment, you know, as we look at his proposal, all the President wants to do is repeat what they did during the Great Depression days: throw money at the problem.

All you have to do is take a look at the unemployment figures during the Great Depression years and you will find them in double-digit numbers, as high as 25 percent and they never even got down to 19 percent before World War II came on.

The record shows that the only thing that brought this unemployment rate down then was World War II. So what is he proposing? To throw money at this problem. It has been proven through the Great Depression years that it just does not work and we do not want to make the mistake of repeating what he is pro-

posing now, the failure during that Great Depression period.

□ 1530

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

Mr. RHODES. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, when I first came to Congress I served on a committee to which about 300 bills were introduced in my first session, and of that 300, about 5 were passed. Each one of those had in its title the word, "emergency." What the committee was doing, of course, was using the word "emergency" to cover up its own unbusiness-like operations as it passed bills which were overdue.

That is what we are looking at for this lameduck session. We have declared an emergency long before the emergency exists. Our majority leadership has said that because of the emergencies of the situation, we must have another session after the election.

I think most Members of this Congress would agree that if the Congress wanted to get down to business, it could easily conclude all the necessary business before election. A lameduck session can only be justified in the case of genuine emergency. But when you decide 3 months beforehand that you are going to have an emergency, the public and the Members have a right to be suspicious.

Their suspicions are that the majority in the Congress, and the Speaker, are afraid to deal with the problems that need to be dealt with; that they are afraid to be recorded on the problems that the public wants to see some answers to, and the questions on which the public want to see the responses of its elected representatives.

I share that suspicion. It seems to me that the emergency here for the lameduck session is simply a little attack of fear and cowardice.

Now, it has been my experience in my rather short political career that in this game one can run, but one cannot hide. My guess is that in attempting to duck the issues, to not be recorded, or to avoid being recorded on matters of budget and tax cut, the majority of this Congress will get themselves in far deeper trouble than if they had the willingness to stand up and be recorded.

I thank the minority leader for taking the time for this special order. I think it is an important issue, and I think it tells the people of the United States something about the difference between the two parties. The lameduck session bespeaks the lack of vigor and enthusiasm and initiative of a party that has been in power for a number of decades and has grown stale, grown flabby, and grown afraid of its own responsibility.

I hope that in the place of that obsolete party we are able to put a new and vigorous political party in power for the coming biennium.

Mr. RHODES. I thank the gentleman from Minnesota. I wonder if the gentleman from Minnesota would agree with me that if the Democratic majority gets by with this ploy—and that is all it is—that we will probably every election year see that the second session of the Congress really does not amount to very

much. It will be putting off votes every year, because why face up to a vote which may be difficult at the polls if you do not have to? It will be having lameduck sessions.

It is sort of like a brandnew security blanket that somebody dreamed up for beleaguered Democratic Members running for reelection.

Mr. FRENZEL. The gentleman points out a probable additional distasteful result of this session. We have seen how the leadership here reacts. When it could not control its own committees, it went for proxy voting; it modified the quorum requirement; it went to more gag rules; it increased the number of suspensions.

It did whatever enabled it to pass this program with the least amount of debate, with the least amount of amendment, with the least amount of public exposure. It has adopted any procedure that made its operations more convenient.

The precedents now are so heavy that one must conclude in this case that the minority leader is right. There is no question in my mind that once the cripple begins to use this crutch, the crutch will become standard procedure, too.

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

Mr. RHODES. I yield to the next Senator from the great State of Iowa.

Mr. GRASSLEY. Mr. Speaker, I thank the gentleman very much for yielding to me, our distinguished floor leader, the gentleman from Arizona.

I say first of all that the effort for a lameduck session is because of poor management of time. When we had time during the spring, when we were not having an election facing us, we hardly met on a Friday during the first 4 months of this year. It seems to me that with the problems we even then were facing, maybe it would have been a better use of our time then to be here working than to be taking long 3-day weekends, and in some instances, 4-day weekends.

But more importantly, I see the effort for a lameduck session as a last-ditch effort of the majority hanging on, grasping for success of their philosophy, trying to get that philosophy carried out in some legislation where next year they will not have the majorities to accomplish it with. It is a last-ditch effort to get that philosophy into law.

That philosophy the majority party is not realizing, I am sure, that it is now not the philosophy of a majority of grassroots people in this country. It has been reflected now for the last 2 years in referendums around the country, in elections for the Congress, and just generally.

In party platforms, even of their own platform, it seems to me to be a little bit of a reflection of that, not to the great extent that our party platform, which has always been consistently for sound Government, but it is a last-ditch effort by the majority to hopefully, after the election is over, maybe pass some of that legislation that they cannot get passed now because of poor management of time, and afterward because the majorities will not be there.

But, as sincere as they might be in their efforts to promote their political

philosophy of big government and high taxes and budget deficits, there is only one way that changes are successfully made in this society of ours when one party believes, as sincerely as they do, that their bankrupt philosophy is still good for the country.

The only change that can be made is at the ballot box, and it will be made, and there will be changes for the better made as a result of it when we get to the next Congress of the United States. But, in the meantime, it surely is an effort to hold on, grasping for the last breath of success, which breath is not going to come. Death will come to that political philosophy, at least as it has been dominant in the last two decades in this country.

Mr. RHODES. I thank the gentleman from Iowa.

Does the gentleman from North Carolina desire me to yield to him?

Mr. MARTIN. I certainly do, I say to the distinguished minority leader, after first thanking him for his leadership in focusing the attention of the Congress this evening as we get toward the scheduled first adjournment of this session of the 96th Congress.

On the wires just this afternoon there are reports of yet another reason why a lameduck session is being fashioned for us, and that is to enable the Congress to duck another issue; that being the issue of a tax cut which many of us here in the Congress have proposed. The minority leader, with the distinguished gentleman from New York, Mr. CONABLE, who spoke a little earlier, the ranking minority member of the Ways and Means Committee, have introduced rather straightforward legislation to offset the tax increases that are already scheduled to go into effect next year, to reduce that and to provide some relief, spelled t-a-x-c-u-t.

Yet, that is another issue that this Democratic leadership wants to duck, and put it off with the appearance of putting it off to a lameduck session so that they will not have to vote for it before the election. Then, after the election, when the heat is off, when the pressure is off, they will not have to vote for it then, either.

I am referring to news accounts—I have a news summary here which I have just examined—a statement by the President of the United States in which he proposes in a rather curious reformation of his own commitment against tax cuts, in which he comes out with a proposal for a wide series of kinds of tax cuts along the lines in addressing some of the needs that we have addressed and have dealt with in previous proposals.

It is interesting that as one goes down this, it includes faster depreciation write-off for business investments. That is in the Senate Finance Committee bill as well as in the gentleman's bill; tax incentives for research and development; improved tax treatment for Americans working abroad; tax incentives for export trading companies; a 10-percent tax credit for businesses investing in areas of high unemployment, an initiative which has received considerable support on our side of the aisle and in our party platform.

□ 1540

I refer also to special deductions for families with two wage earners, a deduction designed to offset the present "marriage penalty" that keeps forcing people into higher tax brackets.

These and other proposals which are contained in legislation which the Senate Finance Committee has already brought out of committee and which stand ready to be acted on are proposals our committee can take a look at, although it has been refused an opportunity to do that thus far.

So I suggest that maybe this is another reason for a lameduck session, to allow a pretense of being able to duck this kind of proposal and duck the more straightforward proposals which the gentleman from Arizona (Mr. RHODES) and the gentleman from New York (Mr. CONABLE) have already introduced and which a lot of us have cosponsored.

I would suggest that it is rather pitiful leadership for the President, who has heretofore said he is going to veto any tax bill passed by the Congress, to then come out with the proposal which is essentially the bill that the Senate Finance Committee has already structured and which has already been endorsed by Governor Reagan, and claim it as his own initiative. That is a lame excuse for leadership, it seems to me.

He does provide a couple of additional features. There are additional Government programs. There is additional authority for loan guarantees such as the one we recently saw in the situation of Chrysler Corp., which suggests that in the future it is going to develop to the point where if anyone wants to get a loan, a company will not be able to get credit unless the Government has guaranteed its credit in the form of some kind of loan credit guarantee.

But the greatest incongruity of the whole thing is where the President stated:

Now—in the heat of an election year—is not the time to seek votes with ill-considered tax cuts.

Does that apply to his own proposal? Is he labeling that as being an "ill-considered tax cut?" Is he suggesting that in the heat of an election year he is trying to seek votes with such an "ill-considered tax cut," or is he suggesting that this measure which he is proposing or this tax cut proposal that has already been drafted and endorsed by Gov. Ronald Reagan is not an "ill-considered tax cut" but a proper answer?

If it is not an ill-considered tax cut, why not vote on it in this election year and put the heat on Members of Congress and get it enacted?

If he does not accept a preelection bill, even his own, does that mean he is inviting us to take a tax cut measure up in the lameduck session when there is no remaining public pressure to get it enacted?

Mr. RHODES. Mr. Speaker, I think the gentleman from North Carolina (Mr. MARTIN) has made several important points. One of them is, of course, that the President and, I suppose later, the Democratic Members of Congress will seek to take the credit for a tax cut without really cutting taxes. They will not cut

taxes before the election; they merely promise one, and then in the lame duck session, I would almost bet—in fact, I would bet—that they would find some reason then not to cut taxes.

Why? Because they do not believe in cutting taxes. They believe in having more and more money and more and more purchasing power from the people, from the private sector, channeled into the public sector where they have more control over it. They have had this philosophy for years and years, and I have not seen any convincing evidence that the leopard has changed his spots.

Mr. MARTIN. Mr. Speaker, the irony of it is that even if we do enact one or the other of these proposals on the order of a \$30 billion tax cut, taxes will actually go up for the American workers next year, not down. They will go up because that will not be nearly enough to offset the tax increases that have already been enacted by this Congress last year, not considering the bracket creep effect, which is the result of inflation, putting people into higher and higher tax brackets.

Mr. RHODES. Mr. Speaker, the total, I believe, is \$93 billion more that the people will pay next year because of the actions of this administration and this Congress.

Mr. MARTIN. Mr. Speaker, here is \$70 billion that is already in effect, and there is another \$23 billion or \$24 billion they have asked for that I do not think they are going to get.

Mr. FORSYTHE. Mr. Speaker, the announcement by the Democrat leadership regarding the likelihood of a post-election lame duck session is a feeble attempt to protect Democrat members from voting on tough issues before the November 4 election.

The Democrat leadership, which claims that a lame duck session is necessary because of the huge amount of legislative business, is the same group which granted itself 3- and 4-day work weeks throughout this Congress, and now plans a 5-day Labor Day recess. The chief reason for the postelection session is not the amount of legislative business, but rather the nature of that business.

Just 3 months ago, Democrats were telling the American people that they now believed in a balanced Federal budget. For proof, they proudly pointed to the first concurrent budget resolution for fiscal year 1981 which called for a revenue surplus of \$200 million. They pointed to this resolution, which raised the tax burden on the American people by over \$90 million, relying on economic assumptions which were clearly unrealistic. The Democrats are fearful that a vote on the second budget resolution, revealing their sham of a balanced budget, will cost them votes. It is these same Democrats who will go home this Labor Day weekend and explain to voters how they have tried to tackle the tough issues of the 96th Congress.

The talk of a postelection session by the Democrat leadership is an ignominious attempt to duck those issues which may prove unpopular back home. As Members of Congress we cannot afford

to shy away from our fiscal and legislative responsibilities. I urge my colleagues to vote to remain in session through October and face up to those responsibilities without fear of recrimination.

Mr. SHUSTER. Mr. Speaker, last Tuesday the House Republican Policy Committee unanimously adopted a policy statement in opposition to the lame duck session of Congress proposed by the Democrat leadership. The majority party is using the lame duck session to duck the controversial issues remaining on the legislative calendar—issues such as the budget resolution, foreign aid, and other liberal, big spending bills. The American people have the right to know how their Representative would vote on these issues before the election when they can still exert their influence at the ballot box. I am including the full text of the Policy Committee statement so that my colleagues might better understand the ramifications of a lame duck session:

REPUBLICAN POLICY COMMITTEE OPPOSES  
LAME DUCK SESSION

The House Republican Policy Committee strongly opposes the "lame duck" session of Congress proposed by the Democrat House Leadership. Such a Session, held after the national elections of November 4, would be fraught with the danger of having legislation being passed precipitously and by those who do not represent either the will or the philosophy of the American voting public.

To date, 38 Members of the House will not be returning to the House for the 97th Congress because of retirement or primary defeats. It is conceivable that as many as 20% of the Members participating in a "lame duck" session will no longer be representing the views of their constituents. This takes on added significance in light of the fact that many controversial issues are decided by far fewer votes.

This reason alone, the failure to reflect the choice of so many voters after November 4, would be reason enough to oppose a lame duck session and bring the issue before the American people for judgment.

But there is more.

The American people must be told that they are being disenfranchised today by the stalling tactics of the Democrat House Leadership. That Leadership still clings to tired liberal big spending programs that no longer have enough vitality to attract popular support. For example, the Foreign Aid Appropriation Bill, H.R. 7854, was reported out of Committee on July 29 but has not and most likely will not be scheduled for floor action before November 4. The bill commits \$8.6 billion to foreign aid at a time when Americans are seriously questioning this level of expenditure. If put to a test before the election, these programs would be defeated because the Congress would be more accurately reflecting the will of the people. By delaying until after the election, the House Leadership plans to corral enough votes to enact these programs, despite the fact that they controvert the views of the electorate. Thus, by denying voters the right to exert their influence on legislation prior to November 4, the House Leadership is effectively disenfranchising them.

But there is more.

The American people must also be told that they are being governed by a Congress run so ineptly as to require a lame duck session. After 25 continuous years of being the majority Party and controlling this Congress with a 2-1 majority, the Democrats have shown themselves to be incapable of running the government. Democrat Leadership asserts

that a lame duck session is necessary because of the press of legislative business. Yet, during the past 18 months it has used its preponderant majority to delay and prevent priority legislation from coming to the Floor of the House for final disposition and has allowed a congestion of legislation to develop.

But there is more.

The American people must also be told that the real reason for a lame duck session may be more cynical, more maleficent, than mere ineptitude. The American people must decide whether the Democrat Majority is avoiding being forced to vote on controversial issues before election day to insure their own re-election.

Less than 3 months ago, the Democrats were telling the American people that they, like Republicans, now believed in a balanced budget. For proof, they proudly pointed to the First Concurrent Budget Resolution for Fiscal Year 1981 which called for a revenue surplus of \$200 million. They pointed to this budget resolution even though they knew it was a sham. That resolution, raising the tax burden on the American people by over \$90 billion, was balanced on paper only. It was balanced because it relied on economic assumptions which were blatantly unrealistic.

And now, when facts have shown these assumptions to be false, the chickens are coming home to roost—only the Democrat Leadership wants to turn those chickens into "ducks."

Before election, they want to "duck" the fact that their profligate spending will once again result in a deficit budget.

Before election, they want to "duck" the fact that their budget priorities do not include a national defense superior to all.

Before election, they want to "duck" the issue that their fiscal policy is to "Tax, tax, tax" and to "Spend, spend, spend."

These are the facts. The American people will pass judgment on November 4 whether the Democrat majority has forsaken its duty to govern responsibly. They will decide whether in future Congresses, Democrats will again be able to replace the American Eagle with a Lame Duck.

Mrs. HOLT. Mr. Speaker, I find it very distressing that the majority party proposes to postpone major legislative decisions until after the November elections and then hold a lame duck session.

This means that many Members who lost their reelection bids will be voting on policy issues that will have a major impact on the Nation in the years ahead.

I have no doubt that most of these lame duck Members will belong to the Speaker's party, but that is beside the point. The point is that lame duck voting on major policy questions is a violation of the concept of representative government.

The Constitution wisely provides for 2-year terms for House Members so that their feet will always be held near the fire of the next election. This is representative government. And this is what the majority party in this House is trying to avoid.

It is afraid to face many tough issues before the elections, and it hopes the public will forget for the next 2½ months how it handled those issues in the past.

The majority party's decision to postpone consideration of the second budget resolution until after the elections is the classic example. The majority does not want to face the consequences of its actions.

It does not want to revise the 1980 budget to show the true deficit of \$61 billion, and it wants to avoid adopting a 1981 budget with a deficit of \$30 bil-

tion after all those promises about a balanced budget.

The majority party does not want to face a preelection budget battle in which the minority would offer an amendment to reduce the deficit and cut taxes.

That is what we on the minority side have been doing for years, and I believe our position represents the will of the people. The people are paying a heavy price in inflation and taxes for the policies pursued by the majority in this Congress, and we on the minority side are telling the story in this election year.●

● Mr. RITTER. Mr. Speaker, I rise in strong opposition to a lameduck session.

The lameduck session is clearly an attempt to "duck" the powerful issue of the Federal budget and other controversial legislation. By not voting on the key spending proposals before us until after the election, the Congress is going against the will of the people we are here to represent.

We are elected to represent our constituents; to vote openly for the benefit of our constituents and for the country. Avoiding the hard choices out in front of the electorate when a \$630 billion budget is a stake is an attempt to avoid telling the voters where Congress stands in the fight on inflation. The majority in the House has already had 18 months of stalling tactics on key inflation-fighting legislation. They should not be handed 3 more months. Particularly, the Congress should not be hiding from the fight on inflation at election time, we should be leading it.

The American people are tired of campaign promises to fight inflation that go up in smoke after the first Tuesday in November. They are tired of being ignored by their elected officials when they plead for commonsense financial management of this Nation. I am hearing loud and clear from my district that Congress must do something now to help the American public through these inflationary times. This election year is no joke, but a lameduck session is. Do not think it will not be an issue to the voters. They will decide whether they want a Congress that has the courage to vote responsibly in the interest of all Americans, or one that takes the easy way out. Thank you.

They know the difference between a lameduck and a "turkey."●

● Mr. GILMAN. Mr. Speaker, I rise in support of the remarks of our distinguished minority leader, the gentleman from Arizona (Mr. RHODES), who is calling to the attention of the House and the Nation today the dangers of a lameduck session.

Mr. Speaker, we fully expect that on the first Tuesday in November, we will have a new President, and I am not without hope that the House and Senate will be organized by our side of the aisle. That being the case, I feel that we ought to wrap up the session as soon as possible, permitting the majority party to run on its record.

We should encourage the American people to review the full record of this Congress—not just some promises about what is hoped to be accomplished—before deciding whether or not a change

in congressional leadership and the congressional majority is in order.

Mr. Speaker, along with many of my concerned colleagues, I am willing to stay in Washington as long as is necessary to finish the work of the House. Let us get on with the people's business.●

● Mr. HYDE. Mr. Speaker, Webster's Dictionary defines "lameduck" as "one that falls behind the achievement."

That definition aptly describes the failures of this Democratic controlled Congress, and emphasizes their inability to govern, an inability which the American voters are certain to recognize November 4.

The majority party in this great body has total power—a 2 to 1 majority, overwhelming control of committees and subcommittees, and burgeoning staff—everything needed to lead our Nation through these difficult times.

Leadership carries with it responsibility. The decision to defer the tough legislative decisions until after the November 4 elections is not leadership—it is a pathetic abandonment of even the pretense of leadership.

If we Republicans in Congress are unable to prevent the Democrat's lameduck session, our only alternative is to forcefully remind the American people of the failures of the Democrat dominated 96th Congress to effectively represent them.

In a column in the July 7, 1978, edition of the Chicago Tribune, our distinguished Speaker suggested that the Democratic Party deserved the "continued support" of the American people in the 1978 election, stating "2 years ago we promised that people would be working, and today they are." I remind my colleagues that the unemployment rate according to today's newspapers is 8.3 percent.

In his column, the Speaker praised the Democratic Congress for pulling "the economy out of recession and stimulating a strong recovery." His very next words should haunt the Democratic Party: "The record speaks for itself."

The Republicans in Congress and Republican candidates throughout the country intend to remind the Democrats of their record—rising unemployment, rampaging inflation, declining productivity—to mention only a few.

The proud symbol of the party of Jackson, Wilson, and F.D.R. used be the donkey. Now it is a frazzled lameduck.●

● Mr. SHUMWAY. Mr. Speaker, I am delighted to have this opportunity to express my opposition to the proposed lameduck session and, in light of the fact that the issue has been aired at length in recent days, I shall attempt not to reiterate the obvious. Instead, I would like to express my own perception of our responsibilities as elected representatives of the people.

Each week, I submit a column to my district newspapers, and last week's offering pointed out the evils of the lameduck session. I pointed out that asking the voters to gamble on postelection effectiveness is like asking them to sign a blank check. The lameduck session could easily make a travesty of the legislative process, and could result in un-

savory legislation which denies the best interests of the people. The voters and taxpayers deserve far better.

Proponents of the lameduck session are fond of pointing out that we have a "contract" with the people which does not end until noon in January 3, 1981. However, in their righteous assertions, they fail to mention that we also have an obligation to be accountable to those who have placed us in office, and that such accountability is most certainly due and payable before the November election, not after. We cannot seriously expect the American public to consider us fine fellows if efforts are condoned which seek only to play down the true state of the budget. Can the majority leadership truly believe that our citizens will accept their attempt to conceal their failure?

Lameduck sessions invite the full participation of those who have been rejected by the voters, and the dictionary informs us that "lameduck" is described as "falling behind in achievement." This Congress is already far enough behind in achievement. If the leadership accepts its responsibility to portray itself with accuracy to the American people before the election, my personal belief is that there would be a great number of majority party ducks in need of assistance after the November election.●

● Mr. PORTER. Mr. Speaker, the history of our Republic has been one of constant striving to improve the democratic process, to extend the franchise, to democratize our institutions, and, in general, to make Government more responsive to the people. The high points of that history—what our people will look back upon—are those when Government has put partisanship aside and embraced the very highest of our ideals and principles.

So few are going to remember a hundred years from now that the Congress, under the control of the majority party, chose to abdicate its responsibilities to the people, to violate its own law and avoid coming to grips with the real problems of the day—the excesses of Government spending that have stoked the fires of inflation so strongly and led to the loss of jobs and the business malaise we are now experiencing.

Few, Mr. Speaker, will remember that the Congress, under that majority leadership, failed to address the second budget resolution and the need for reconciliation because of the dark political portends of another huge deficit and the real need to come to grips with Federal expenditures right before an election.

The gutlessness of the lameduck session the majority party proposes is not much different than the lack of political courage that has characterized their leadership in the Congress for the past 26 years—spend now, pay later.

But perhaps, just perhaps, this may be the final point at which the American people fully recognize what has been happening, the final point of determining where the majority party has taken our country—the point at which the American people say enough is enough, new leadership and new ideas and new forthrightness are needed if this country is to survive as strong and free, as the world's bastion of liberty with the

strength and will and courage to protect it.

Perhaps this postelection session, which violates every concept of democracy and representative government, will be the wake, the final laying to rest, of a national leadership grown old and stale and bankrupt of ideas. And perhaps it will mark the birth of a new leadership, willing to face the hard choices and turn America to a future of hope and fulfillment for all our people.●

● Mr. QUAYLE. Mr. Speaker, the Democratic Party has controlled the leadership and management of the Congress for more than 25 years. Today, the people of Indiana, and citizens across the country, are deeply concerned and affected by double-digit inflation, runaway Federal spending, overregulation, and high taxes. They have been waiting patiently for the Carter administration and the Democratic-controlled Congress to deliver on a balanced budget, less inflation, and less taxes.

Now we are 8 months into the 2d session of this 96th Congress and we are advised by the Democratic leadership that the final business of the Congress will have to wait until after the election. We are put on notice that a lameduck session is scheduled to begin November 12 for the purpose of dealing with the budget resolution and possible tax reduction.

The President today is delivering his fifth economic plan of 1980, and there probably will be a sixth and seventh before November 4.

Mr. Speaker, there is not a business or large corporation in the country that would stand for the kind of inefficiency and mismanagement that the country has experienced as a result of too many years of Democratic control of Congress. It is time for new leadership and new management in Congress if we are to address the real concerns and problems of the American people.●

● Mrs. SNOWE. Mr. Speaker, I would like to join my colleagues in expressing opposition to the prospects of a lameduck session of this Congress, the first such session since 1948.

It would be irresponsible and callous to postpone action on a number of major issues—the budget, fair housing, rail deregulation, and Alaska lands among others—until after the election. The American people certainly have a right to know how we stand on such issues before they vote in November, and it is our responsibility as a legislative body to act on such issues in a timely manner.

According to the Budget Act of 1974, Congress is supposed to complete action on the budget by September 25. This lameduck session would delay such action. With a balanced budget now a pipe-dream, with a budget deficit of \$30 to \$40 billion now a reality, it is no wonder some Members might prefer to postpone a vote on such an issue until after the election. Such may be wise politics, but it is certainly poor policy for our Nation.

As the majority party sets the schedule for the House, I would urge them to reconsider their "manana mind set" and get to work today to address the important issues that await our consideration. The American people deserve no less.●

● Mr. ROBINSON. Mr. Speaker, I rise to express my concern about the unfortunate consequences that are likely to flow from holding a postelection, lameduck session. Philosophically, it is poor public policy for those who have been defeated in an election to continue to make policy decisions on behalf of voters who have just repudiated their positions.

That is why lameduck sessions, since adoption of the 20th amendment to the Constitution, have become a rarity. If we hold such a session this year, it will be only the third in the House of Representatives in the last 26 years, and only the seventh of the House since 1933.

It can be deduced that a major reason we are faced with a lameduck session this year is due to the present uncomfortable political climate, in which too few are willing to stand up and be counted on difficult budget, defense, and spending decisions.

However, it is a deplorable abdication of responsibility to postpone key votes on measures that we all know are destined to play a large role in shaping the Nation's economy in the coming year, including crucial inflation and income tax rates. Moreover, the next fiscal year starts on this October 1. Government planners need to know what their budgets will be relatively soon, in order to make maximum effective use of Federal funds during 1981.

Mr. Speaker, I very much regret the prospect of a lameduck session. I believe it will give the big spenders in Congress the clear upper hand, even though the American people are demanding less Government and lower taxes.

I see no reason why we can not wind up essential business if we remain in session for a period beyond the October 4 target date for adjournment announced by the leadership, and I urge that this alternative be accepted.●

● Mr. LAGOMARSINO. Mr. Speaker, I agree with our minority leader and I would like to commend the gentleman on his special order on the proposed lameduck session.

A potentially serious—some might say ominous—situation is developing in Congress as the Nation heads into the Labor Day weekend. For the first time in over 30 years, House leaders are talking about coming back into session following the Presidential elections. If this "rump" or lameduck session materializes, it could pose serious threats to the soundness of the Nation.

Labor Day is the traditional kickoff for election campaigns, and with 435 seats in the House and 33 seats in the Senate at stake, many Members are anxious to get home and start active campaigning. The problem is, they have not finished their work.

Congress has not yet, for example, adopted a final national budget for the fiscal year which starts October 1—a scant month away. It has yet to send the President any of the 13 appropriations bills needed for funding Government operations. And, despite much rhetoric and posturing, it has yet to decide whether a tax cut will be forthcoming this session.

Citing the need to complete action on at least the first two items, the House

leadership has advised Members they probably will be called back into session after the elections, the first such post-election session since 1948.

Such a session would be fraught with dangers, not the least of which involves defeated officeholders making important policy decisions—or attempting to feather their own nests. To date, 38 Members of the House will not be returning next year, due to retirements or primary election defeats. Given potential general election defeats, it's possible as much as 20 percent of the House would fall into the lame duck category at a postelection session.

It is precisely to forestall such after-the-fact legislating that the 20th amendment to the Constitution was adopted in 1933, moving the commencement of the Presidential term up from March to January, and setting January 3 as the date for beginning of new congressional terms.

Why would the House leadership want to flaunt this tradition? The most obvious reasons is the extreme reluctance of Members to cast unpopular votes just before an election. Only last June, the President and the Democratic majority in Congress were congratulating themselves on having put together a balanced budget for next year. The balance quickly tipped however, and it now appears we face a deficit of at least \$30 billion next year. The final budget vote will acknowledge that failure.

Similarly, the President and House leaders have said they will consider the possibility of a tax cut \* \* \* but only after the election, when of course the pressure would be off.

But the most disturbing purpose behind a postelection session may be the least obvious—the possibility that the Presidential election may be thrown into the House of Representatives. Under the Constitution, if no candidate gets a majority of the electoral votes, the newly elected House decides the winner. But the leadership may use the rump session as an opportunity to stack the deck in terms of the House rules and procedures before the new House is sworn in.

At the least, a lameduck session would be an opportunity to lay roadblocks in the path of a newly elected President, to ratify new court and other appointments, and generally make mischief.

There is no real reason why Congress cannot finish its work before November; the law clearly stipulates that the budget shall be adopted by September 15. But the leadership has scheduled the House to be in session on only 20 of the 67 days remaining before the election. It is hard to avoid the conclusion the House leadership is either dragging its feet or is incompetent.

The Democrats have controlled Congress for the last 25 consecutive years, and it appears they have become reluctant to relinquish their grasp. But they should take care. A lameduck Congress is like a loose cannon in a storm; capable of smashing everything on deck—and maybe sinking a ship.●

The SPEAKER pro tempore. The time of the gentleman from Arizona (Mr. RHODES) has expired.

## GENERAL LEAVE

Mr. RHODES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of my special order today.

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

There was no objection.

## FEDERAL COURT RULES THAT A SUBSTANTIAL PORTION OF UNION DUES ARE UNRELATED TO COLLECTIVE BARGAINING ACTIVITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

● Mr. DICKINSON. Mr. Speaker, last week, in a landmark decision—unreported in Washington newspapers, as far as I know—under the National Labor Relations Act, a Federal court special master in Baltimore, Md., found that four-fifths of compulsory fees paid by nonunion telephone employees to the Communications Workers of America had been spent illegally for political action and other noncollective bargaining activities.

Court Master Wilson K. Barnes, a former State court of appeals judge, was appointed by U.S. District Judge C. Stanley Blair—now deceased—after Judge Blair's determination last year in Beck against CWA that the spending of compulsory union fees—paid under an agency shop arrangement by nonunion telephone employees—must be limited to collective bargaining, contract administration, and grievance adjustments.

On August 18, the special master reported his findings that 81 percent of the nonunion employees' compulsory fees had been spent illegally by CWA officials and should be refunded to the plaintiff employees. He also recommended that a permanent injunction restrain the union from collecting future compulsory fees in excess of its costs of collective bargaining.

Now, for perhaps the first time, the record of a Federal district court will reflect, in great detail, how employees' compulsory union fees have been spent, in utter disregard of their individual preferences and constitutional rights, to finance the political and ideological activities of a major, militantly politicized labor union.

Mr. Speaker, as we approach Labor Day, 1980, that date set aside on which we honor America's working men and women, I think we ought to use this opportunity to publicize this flagrant misuse of hard-earned money extracted from our working force. Organized labor has served—and continues to serve—a vital function in our society and has made valuable contributions to the development of our great Nation. However, greedy and ruthless labor bosses have somehow lost sight of many of labor's goals and they have significantly contributed to producing America's goods out of world markets.

I would like to use this occasion to

urge support for legislation I have introduced, H.R. 6637—cosponsored by over 50 of my House colleagues—to eliminate the use of union dues—and, I might add, corporation money as well—for political purposes.

I commend those 20 telephone company employees and the National Right to Work Foundation who brought the legal action under Beck against CWA. Their action emphasizes the abuses that have been taking place in the union movement.

I also insert at this point in the RECORD an article from the August 21, 1980, Baltimore Sun which reported on this action:

## NONUNION DUES LIMITS SUPPORTED—COURT MASTER SAYS FEE MAY ONLY BE USED FOR BARGAINING COSTS

(By James A. Rousmaniere, Jr.)

WASHINGTON.—The court-appointed special master in a Baltimore labor case has recommended against requiring nonunion members to finance union activities away from the bargaining table.

At issue are "agency fees" which are the equivalent of union dues. These payments to unions are sometimes required of nonunion members on the theory that they, too, benefit from contract bargaining.

The case involves a suit brought by the National Right to Work Foundation. It is being watched by unions nationally for its potential impact not only on the fees, but perhaps on union membership as well.

The recommendation came in court papers filed this week by Wilson K. Barnes, a former state Court of Appeals judge. It deals with fees paid to the Communications Workers of America by employees at the Chesapeake & Potomac Telephone Company.

Mr. Barnes said these nonunion workers are entitled to an 81 percent reduction in the fees they are legally compelled to pay because their contribution should only cover basic union functions of contract bargaining, administration and grievance arbitration.

The master's recommendation, prepared for U.S. District Judge James R. Miller, Jr., who is considering the case, could encourage thousands of regular union members to resign from unions so they could qualify for the considerably lower fee payments, labor officials fear.

The master was appointed to help the judge arrive at a better understanding of union costs and how they relate to collective bargaining. Both sides now have 30 days from the filing of the report to reply to the master's report, after which the judge will make a final decision.

This court battle over union finances is at a well-advanced stage, and developments in it are bound to affect the outcome of at least 30 other similar challenges in other courts.

The National Right-to-Work Foundation is the legal arm of a well-financed organization whose ultimate goal is to win passage of "right-to-work" laws that let employees choose whether or not to join unions.

Only 20 states, not including Maryland, have such "right-to-work" laws on the books. In Maryland, under most circumstances where unions gain representation rights, workers pay dues to the union. If they choose not to join, the workers pay agency fees generally equal to the dues paid by regular union members.

Most labor organizations have taken on much wider charters in the last couple of decades, however, in the form of political work, community services, more sophisticated organizing practices, international exchanges and, most visibly, lobbying in government.

The foundation is charging that those

functions are extraneous and that people who don't join unions shouldn't have to pay for them.

Others, such as Willard Wirtz, secretary of labor under Presidents John F. Kennedy and Lyndon B. Johnson, argue otherwise. Testifying on the union's side in the Baltimore case, Mr. Wirtz contended that these additional activities are "germane" to collective bargaining in that they "strengthen the hand" of unions when they sit down to bargain for contracts.

Mr. Barnes, however, drafted a much narrower definition of basic union bargaining functions, saying that nonunion workers can be forced to pay "agency fees" only if the activity they finance "directly relates to and is reasonably necessary for the proper effectuation of . . . collective bargaining, contract administration and grievance adjustment."

"For example," he wrote, "the [union's lawyers] earnestly contend that their charitable contributions not only, in themselves, advance the public interest, but create a favorable climate of public sympathy and support when collective bargaining time arrives and particularly when there is a strike.

"This result, while superficially plausible, has not been established by clear and convincing evidence," he added, saying that "charitable contributions do not directly relate to, and are not reasonably necessary. . . for the proper effectuation of collective bargaining, contract administration and grievance adjustment."

Mr. Barnes went on to recommend that nonunion C. & P. workers not be forced to pay fees that finance charitable contributions or which, in the union's 1978 fiscal year, helped raise the more than \$21 million devoted to political activities, lobbying work, public relations, foreign studies, AFL-CIO dues and some strike funds.

The sum for these activities in the 1978 test year amounted to 81 percent of all spending by the union.

Mr. Barnes's recommendation would include refunds totaling nearly \$6,500 for the 18 C. & P. workers who brought the suit.

Matthew A. Kane, the union's lawyer in the case, refused to comment on the finding. CWA leaders could not be reached for comment.

The Right-to-Work Foundation's lawyers were clearly pleased with the Barnes report to the court. Hugh Reilly, the chief foundation attorney on the case, was disgruntled only by the fact that Mr. Barnes kept union conventions as a "permissible" expense to be charged to nonunion workers.

## WHAT DOES PRESIDENT CARTER HAVE AGAINST THE U.S. ECONOMY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, the political rhetoric of the administration is depreciating almost as quickly as the U.S. dollar. I am referring, of course, to the mostly ridiculous economic package President Carter unveiled this afternoon.

Earlier this year, President Carter said:

I can guarantee you that we will have a balanced budget in the 1981 fiscal year beginning October 1.

He denounced the longstanding proposals of the Republican Party to restore incentives for both individuals and businesses through across-the-board cuts in marginal income tax rates and accelerated depreciation.

He repeated:

I will not consider any reduction in taxes

until I am convinced that the 1981 budget will be balanced.

Last month, however, the administration was forced to admit in its mid-year economic report that its own economic policy of slowing down the economy had made it impossible to balance the budget. Because of rising unemployment and dropping productivity, revenues are dropping and expenditures automatically climbing, widening the deficit by about \$27 billion for each 1 percentage point rise in the unemployment rate.

President Carter's official position is that Congress is not competent to consider tax-rate reduction in an election year—although he is, apparently. Congress has held hearings, considered and debated the issue of tax-rate reduction for the past 4 years, but President Carter does not believe there has been enough time to study the issue.

This makes one wonder why President Carter found it necessary this afternoon to announce a thrown-together melange of rebates, subsidies and spending programs. President Carter has put together precisely the sort of demand-stimulus program against which the Joint Economic Committee warned last week in a bipartisan report. Parts of the President's plan, like the income tax credit against payroll taxes, were considered and rejected by the Senate Finance Committee, with the overwhelming agreement of both Democrats and Republicans. Instead, the Finance Committee supported across-the-board tax-rate reduction for individuals, reductions in the capital gains tax rate, accelerated depreciation for businesses and other measures to increase economic incentives for higher employment, productivity and growth.

Let us face it: Being a latecomer to tax-cutting and the idea of incentives, President Carter has gotten it all wrong. With the exception of a watered-down plan for accelerated depreciation, which is inferior to both the "10-5-3" plan or the measure approved by the Finance Committee, none of the tax and spending measures will favorably affect economic incentives at all.

Table I, Mr. Speaker, lists the tax provisions which the President says he will get around to proposing sometime next year. Among the tax cuts for business, only the 40-percent reduction in the asset depreciation range, and the reduction of the number of classes of assets to 30, will remove any of the existing disincentives. But the Finance Committee plan is only one-sixth as complicated as the administration plan, and the 10-5-3 proposal only one-tenth as complicated. These two plans also do more to reduce the overtaxation of profits caused by inflation and our outdated Tax Code.

The two refundable tax credits are sops to Senator KENNEDY. They are nothing but Federal subsidies to companies which are not turning a profit. Such an approach can only reduce, not improve, industrial productivity.

Proposed tax cuts for individuals include: a partial removal of the marriage tax penalty, a partial exemption of income earned by Americans abroad—but only in certain parts of the world—and an increase in the earned income tax

credit. While these may be argued on the grounds of equity—and I support a complete removal of the marriage tax and complete exemption from taxation of foreign income earned abroad—these proposals do nothing, unfortunately, to increase incentives for individuals to work, to save, to invest, or to begin new enterprises.

Likewise, President Carter is resubmitting what amounts to his ill-fated \$50 rebate of 3 years ago, only adjusted for inflation. His plan would provide a credit against income taxes equal to 8 percent of payroll tax liability. As I understand it, both the credit for individuals and for businesses would be made at least partially refundable, which would turn it into a spending program.

But the worst feature of this plan is that it does not affect the marginal tax rates which determine incentives. Neither the marginal income tax rate nor the marginal payroll tax rate are affected. This tax rebate is not even half as large as the tax increases on personal income which will take place under current law. And the rebate is not even permanent.

Turning to the spending programs, President Carter is including already-enacted programs in his grab bag of economic nostrums. He lists \$744 million in spending to extend unemployment benefits from 39 to 52 weeks; but this extension is already on the books—and would not have been triggered except for the recession which Mr. Carter's economic policies have brought about. In his speech this afternoon, the President also made a great deal of the synthetic fuels subsidies which have already been approved. That pork barrel was described as public investment. It would be more accurate to describe that destructive program as massive disinvestment. What President Carter calls a "vast new synthetic fuels industry" really portends a vast new assault by the Department of Energy on the capacity of our country to produce energy cheaply and efficiently.

Of the rest, only the proposed spending on Federal research and development and job retraining has even the remotest connection with improving productivity. And as I have pointed out many times on the floor of this House, Federal R. & D. policies are killing innovation in this country by centralizing control over venture capital and driving individual entrepreneurs out of competition with captured nonprofits and established firms.

In short, Mr. Speaker, four-fifths of the President's program is either irrelevant to the problem of productivity, about which the President wrung his hands today, or else already on the books.

President Carter has succeeded only in making himself ridiculous: First, by criticizing longstanding Republican support of thoughtful initiatives to restore incentives through tax-rate reduction; and then by throwing together this half-baked and decidedly inferior program of his own.

The only thing to be said for President Carter's program is that even he says that it should not be enacted this year.

It should not be enacted next year, either.

What Congress ought to do is build on the Senate Finance Committee's work, and enact a phased, across-the-board reduction in marginal income tax rates, beginning with 10 percent next year, together with accelerated depreciation of business assets. Further necessary reforms in taxation restoring a sound dollar, reforming Federal regulation, and restraining Federal spending will have to await a Republican administration, apparently. Only such a program, not President Carter's latest spending, subsidy and rebate scheme, will improve productivity and start our country toward full employment without inflation.

TABLE I.—President Carter's economic proposals

	Calendar 1981	Fiscal 1981
[Billions of current dollars]		
Tax cuts:		
(1) Refundable investment tax credit (30 percent of unused credits for items placed in service after Dec. 31, 1980) .....	\$2.4	
(2) Targeted investment tax credit (Additional 10 percent, refundable, for industries in distressed areas, EDA-determined case by case) .....	0.2	
(3) Five-year amortization of business start-up costs .....	0.1	
(4) Depreciation reform (40 percent reduction in ADR, 30 classes of assets) .....	6.3	
(5) Increase in the number of Subchapter S participants to 25 .....	0.0	
(6) Marriage penalty amelioration (10 percent income tax credit for lesser earning spouse up to first \$30,000) .....	4.7	
(7) Exemption of foreign income (100 percent of first \$25,000 and 60 percent of next \$60,000 for those designated as living in hardship areas: e.g., Mideast but not Europe) .....	0.2	
(8) Expand earned income tax credit (Increase from 10 percent to 12 percent of first \$5,000; phaseout raised from \$10,000 to \$11,000 maximum) .....	0.9	
(9) Income tax credit against payroll taxes (8 percent of payroll tax liability, 1981 and 1982 only) .....	12.8	
Total .....	27.6	
Spending increases:		
(1) Research and development .....	0.600	
(2) Rail rehabilitation .....	0.200	
(3) Highway rehabilitation and mass transit .....	0.600	
(4) Weatherization of homes and buildings .....	0.975	
(5) Anti-recession aid .....	1.000	
(6) Job retraining .....	0.660	
(7) Extension of unemployment benefits (from 39 to 52 weeks) .....	0.744	
Total spending .....	4.779	
Total spending and tax cuts .....	32.4	

#### AMERICAN FARMERS HAVE GOTTEN A RAW DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BAUMAN) is recognized for 30 minutes.

Mr. BAUMAN. Mr. Speaker, I take this time today to call to the attention of my colleagues the serious plight of the

American farm community. As a Member of Congress who has the honor to represent a large number of farmers and many thousands of people who depend on farms, either directly or indirectly, for their livelihood, I must share with you the serious economic problems that exist in my district in Maryland and all over the Nation.

In July farm prices received by farmers for products rose by 5.2 percent, the largest single monthly gain in 6½ years. Sounds good, does it not? But wait. Even with that dramatic 1 month gain, farm prices are only at a level where they were a year ago, while farm costs have gone up 12 percent. It does not take an expert in math to figure out that, at this rate, most American farmers will be out of business in short order.

Some projections I have seen indicate there may be a further increase in farm prices in the next 4 months that could produce an overall increase in net farm income during 1980 of about \$18 billion. But even if that happens, and we cannot be sure it will, that is a full 45 percent drop in net farm from the \$33 billion earned in 1979. These are in fact, the lowest farm prices in the last 40 years. And in 1940 we were still in the midst of the Great Depression.

#### WORST FARM PRICES SINCE GREAT DEPRESSION

One thing that seems to escape the politicians that run Jimmy Carter's Department of Agriculture, is the lesson of history. The 1929 stock market crash was preceded by historic lows in farm prices during most of the 1920's. Despite pleas from farmers for action, then as now, nothing was done.

Farm income has fallen greatly before, in the early 1970's and the 1930's. But under Jimmy Carter, farmers have had the steepest and fastest drop in any single year since the 55-percent collapse that occurred in 1921.

Mr. Speaker, what all this adds up to is that American farmers may work all year in 1980 for no net profit at all. If that happens it will be the first time in the 70 years of U.S. Department of Agriculture recordkeeping that farm profits have been a big fat zero.

To make matters worse, the situation of farm credit is at the crisis point. Earlier this year when farmers had to go to their banks for financing for their planting, interest rates were around 20 percent, another record high. Federal farm credit institutions tried to take up the demand, but badly needed revisions in farm credit laws were held up in the Democratic Congress and as of today they have still to be passed. Not since the Great Depression have farmers been less able to service their credit obligations and the result may well be wholesale farm bankruptcy.

Consider still further the individual farmer's economic situation. Farmers' debt to income ratio is also the highest since the Great Depression and their liquidity ratio is lower than it has ever been. While this indicates the need for more short term borrowing, most commercial banks are already over extended on farm loans. Thus since 1970 farm credit extensions have increased more than 400 percent while other private sec-

tor borrowing has only gone up 150 percent.

#### CARTER FARM EMBARGO

One major contributing factor to this enormous slide in farm prices and income was the Carter embargo on farm exports imposed last January. While the President said he was imposing the embargo as punishment for the Soviet invasion of Afghanistan, there is every evidence that the Soviets have suffered very little if at all. But immediately upon the imposition of the embargo farm prices for such products as corn and soy beans fell by huge amounts. At the same time the President announced commodity purchases of farm products which added easily \$2 billion to taxpayers costs. And other exporters escaped the farm embargo.

All this from a President who promised during his 1976 campaign that he intended to "end embargoes once and for all."

Mr. Speaker, in spite of the fact that many of us have been warning about the farm problem for some time, little has been done by this Democratic Congress or President Carter to respond to this serious problem.

In early 1978 I addressed this House on this same topic and I would like to call attention to some of my comments at that time because my words still apply today.

Here is what I said then:

Congress cannot ignore these clear signs that many in our agricultural economy are on the verge of financial collapse. There is not a man, woman, or child in this country who would not be seriously affected if such a collapse should occur sending shock waves throughout the rest of the economy. We in the Congress must provide some immediate and lasting relief for the farming community.

Compare congressional reaction when other sections of our economy faced similar difficulties. When the aerospace industry was in trouble, there were those in Congress who rushed in to rescue it with Federal funds. When New York City spent itself into bankruptcy there was a deafening chorus by those who wanted the U.S. Treasury to finance the bail-out. Virtually any major group in this country would receive a generous helping hand from Uncle Sam if they were faced with this sort of crisis. No one group has done more for this country or its economy than the farmer.

It has been the farmer and his exports that have kept this country afloat in the international markets. We have heard recently that the dollar has slipped to its lowest level in history in the international money exchange. The international economic situation is serious and it deserves our attention. But it would be much much worse if it had not been for the farmers' exports that balanced our international payments. Their exports kept the value of the dollar stable and allowed others to buy foreign products cheaply and improve their standards of living. Other domestic industrial and manufacturing groups dropped from an effective international competition when their labor agreements and executive salaries priced their products out of the marketplace abroad. Their wages and salaries increased and their dollar was secure because the farmer was productive and could export his product where they sometimes could not. I do not believe it would be an overstatement, in fact, to say that the rest of the country and the rest of our people have been riding high on the hog at the expense of the farmer and his family.

The time has come, though, when the

farmer can no longer endure the burden he has been forced to carry. The price of his equipment has gone up, the price of his fertilizer has gone up, the price of everything he must use to grow the food we eat has gone up. He can no longer make a living. Other segments of our economy have not been as productive as he has been; others have been able to control the supply better than he has been. Still others have raised the price of what they produced and sold to him. Inflation has hurt everyone, but it is the American farmer who is now faced with bankruptcy. We must do everything we can to help.

And, I might add, this still describes the situation today, only it has gotten much worse.

#### FARMERS WANT A CHANGE

Mr. Speaker, I believe that the Federal Congress and the Government have an obligation to adopt policies which will promote American agriculture rather than inhibit it. That can be done by unleashing the great productivity of the farmer and getting Government off his collective back. The American farmer, by nature, wants to produce and sell his product. He does not want unnecessary regulations, subsidy, and a Federal dole.

I have consistently supported legislation that would allow farmers to produce and keep Government out of the marketplace. I have advocated flexible parity legislation which rewards reduced acreage with higher supports in an effort to guarantee full parity in the marketplace.

Whoever the next President may be, he must recognize and act on the farm problem before it is too late. President Carter and this Congress have not done so and show no intention of doing so.

American farmers, just as most Americans, I believe, are ready for a change and it cannot come too soon.

#### GREEN RAISES UNANSWERED QUESTIONS ON BILLY CARTER MATTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 10 minutes.

Mr. GREEN. Mr. Speaker, as one of the principal sponsors of the resolution of inquiry regarding the Billy Carter matter and as one of the Members of the House who has read through the materials supplied us—other than those furnished the Select Committee on Intelligence—I would like to express my thoughts on where the House should go from here.

I believe that the materials submitted, through omission and commission, call for further investigation by the Judiciary and Foreign Affairs Committees.

First, included in the material was a Department of Justice letter to Senator BAYH making it clear that Justice was not providing documents relating to several pending cases. Justice appears also to have omitted these documents from the material provided to the House.

I do not wish to compromise any Department of Justice investigation, so I will mention only one of those cases, as its existence has been reported in the media, a grand jury investigation being conducted in the southern district of

New York. According to press reports, Billy Carter testified before that grand jury this week. In fairness to Mr. Carter, it was also reported that he was not a target of the investigation.

The Justice Department has offered to meet with Senator BAYH and Senator THURMOND to discuss the documents withheld. I believe that Justice should extend that same offer to the chairmen and ranking minority members of the Foreign Affairs and Judiciary Committees and that the offer should be accepted. All veils should be lifted.

Second. I am concerned about the proprietary and the professional zeal of the Justice Department handling of the Billy Carter case. On June 11, 1980, Billy Carter met with representatives of the Justice Department. After he was given a Miranda warning, he was asked if he had received anything of value from Libya other than two all-expense paid trips to Libya, four gold bracelets, a silver mounted saddle, a silver serving tray, and a scimitar. He said that he had not. This was not true. He had received \$220,000, ostensibly as a loan. That fact was already known to the Justice Department. At that point the Justice Department could have sought to develop a case under title 18 United States Code, section 1001, which provides in part that—

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully . . . makes any false, fictitious or fraudulent statements or representations . . . shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Nevertheless, as far as one can tell from the materials supplied to us, this course was not even considered.

I think we ought to know why Justice suffered such a lack of prosecutorial zeal, and urge the Judiciary Committee to pursue the matter.

Third. I am concerned about the role of the Counsel to the President, not only because he met with Billy Carter, but also because he suggested Mr. Carter retain counsel and then specified which lawyers be contacted. I question the appropriateness of any lawyer in the executive branch recommending specific counsel to a person under investigation by Justice.

We need to come to an understanding of the proper role of the Counsel to the President when dealing with a member of a President's personal or official family, as it is almost inevitable that investigations will touch such persons in the future no matter who holds office. I suggest the Judiciary Committee address this role.

Fourth. Much of the material that was supplied to us raises serious questions as to whether there are major leaks in our system of controls on exports of military equipment. Not all of the material in question relates to Billy Carter, but I urge the Foreign Affairs Committee to investigate whether there are serious problems with regard to this system of controls.

Fifth. President Carter's choice of his brother as an emissary to the Libyans shortly after Iran seized the hostages also raises some serious questions. Os-

tensibly the Libyan Government at that time was interested in expanding its relationship with the U.S. Government. The President apparently was aware of this. Thus, it seems that someone from our State Department would have been a more logical and proper choice than Billy Carter for contact with Libya. I believe the Foreign Affairs Committee should explore the circumstances surrounding this unusual conduct of our foreign policy.

Sixth. Finally this whole incident raises concerns going far beyond Billy Carter. If Libya was willing to spend this kind of money on Billy Carter, then how much is Colonel Qaddafi spending in toto to influence American political and governmental processes? And what about other Arab countries and their petrodollars? These are serious questions indeed, and I strongly urge the Foreign Affairs Committee to pursue them and report to this body and to the American people about who is paying whom to twist U.S. foreign policy.

□ 1550

#### TEXAS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, August is really a Texas month, from the standpoint of the preeminent Texans who have served on the national governmental level, who were born in the month of August. Yesterday we commemorated the birth date of a great Texan, President Lyndon Johnson; and earlier in this month of August, on the 6th, some of us recalled and commemorated in a great spirit of reverence and evoked the memory of another equally great Texan, the Honorable Wright Patman, who served at the time of his death as the Member from that particular district, Congressional District No. 1 from Texas, a district that he had served for many, many years. He had had a tremendously distinguished record as chairman of the then-called Banking and Currency Committee.

I wish to dwell for a few minutes only on these two great personalities, because I believe that as time passes and the years go by, those of us who had the great honor and privilege of not only knowing both of these great leaders, but having worked with them and having watched them over the course of the years, their actions and their role as public men in such a preeminent way, begin to get a more rational perspective of what their service has really meant to the country.

President Johnson, very much like every President we have had since Franklin Roosevelt, experienced the very tough situation encountered with respect to the national press or the media. He had high points and, of course, very low points and very vicious periods of time. But I do not think there was anything particularly singular about that because I think almost every President from the time of Franklin Roosevelt and particularly his era has had that as a modern-day ingredient in this great formula that

operates in the case of the Presidential branch of the Government in its modern-day, 20th century role.

I still believe that Franklin Roosevelt had perhaps the most eloquent and the most accurate description of what a 20th century President really must afford, in the light of the role and the machine of the Presidency in this century. He said that he visualized the Presidency as that role of leadership in which the great army of the American people would be summoned forth and led in a common attack on the common problems affecting Americans. But he said that that leadership was really in the 20th century more and more turning out to be more than the individual power or the personality or the inherent ability of the President, the President's ability to attract first-class minds and men and women of ability, surround himself with them, orchestrate them and marshal them into this great attack on the common problems confronting the American people.

I think that is very true. I think that if we were to use as an index for the net results of the leadership on the part of our Presidents in the 20th century, it would be that one factor, the ability to attract and surround himself with first-rate minds. The worst enemy of a first rater is a second rater. If we will look at the type of minds and personalities that Franklin Roosevelt was able to surround himself with, and then his ability to orchestrate them and work them in unison, and his tremendous leadership which successfully led this country through great thickets of the depression and the great hazards of war, global war, and successfully, and when we follow through and we recall President Kennedy and his unique ability in that respect, I think that by all indications the one thing that President Kennedy has not been criticized for was the nature, the stature and the composition of the men with whom he surrounded himself, the men and women, the Cabinet, the subcabinet level. In fact, two of his Cabinet Members were really reflections of a bipartisan effort. His Secretary of Defense McNamara was identified as a Republican, and his first Secretary of the Treasury, Mr. Dillon, was definitely a Republican. But he was able to attract them. They were able to come and serve the Presidency. So that when Mr. Johnson became President, he realized that, and contrary to some hard advice that was given to him by intimates, he refused immediately to discard the Kennedy Cabinet, including President John Kennedy's own brother, who was Attorney General.

I might say, by way of parenthesis, that there is a personal involvement here. At the time of the assumption of office by President Kennedy and Vice President Johnson, I was in the State Senate of Texas, and I had campaigned in 11 States in behalf of the Kennedy-Johnson ticket. And one day, after the election and before the swearing-in, I read in the newspapers, in my local press, that the President-elect had intended and was intending to appoint his brother Robert as Attorney General. I thought that was repugnant to good administra-

tion. It was antagonistic to what I felt was a wise decision.

So I sent a telegram to President Kennedy and his brother as well, Robert Kennedy, at Hyannisport, because I had had a fairly close relationship with the then-Senator ever since he had been a Member of the House in 1951. I felt that I could in good faith communicate my worry, my concern. I felt that there were several reasons why it would not be good policy for the President to appoint his brother as Attorney General. I explained some of those in this telegram I sent.

Well, I was criticized by some of the local Democratic leaders. In fact, I was accused of being the only critic of that notion other than Republicans who began to react adversely to the idea that the President-elect would appoint his brother.

I felt and feel to this day that it was probably one of the most singular errors of any magnitude, in my opinion, to this day, that President Kennedy made. I will not go into the reasons because that is beside the point today. What I do want to say is that I never thought at the time I sent the telegram that I would be serving in the House of Representatives about a year and a month later. And it was not until a year and a month later when I came up that I finally had an acknowledgment of that telegram from President Kennedy, and then he did it in a very humorous way. But I never did hear from Robert Kennedy, and I am afraid that he never quite felt very happy with me because of my original opposition to the thought that the President should appoint his own brother as Attorney General.

□ 1600

Lyndon Johnson would never have considered such a thing, not because of any moral implications of superiority, but because his way of working was strictly from one of the most efficient managerial methods that I have ever seen any man in business or in Government employ. I think that history will note that President Johnson was the best administrator, as President, that we have had in the 20th century. There was no such thing as confusion among his advisers or among his Cabinet. There was no such thing as one member of his Cabinet saying one thing in what would appear or was indeed in fact contradiction to official administration policy. There was no such thing as the President in a press conference, unlike his successor, telling this press conference that he had sent an education bill to the Congress weeks before and that the Congress had not acted on it, when, in fact, he had never sent such a bill to the Congress and had to be corrected by his own secretary at that time.

Lyndon Johnson could never have been faulted with that because Lyndon Johnson was one of the most prepared men to serve in the administrative capacity which the Presidency to date, from the domestic standpoint, really, really consists of in this 20th-century period in our national development.

Lyndon Johnson had several—one in particular—departments created during his Presidency, the Department of Hous-

ing and Urban Development, and I think that his first appointee as Secretary of that was very symbolic of the efficiency with which Lyndon Johnson selected the first-rate, the first minds of ability that were available and that he could attract to serve under him.

I believe that, like Lyndon Johnson, Wright Patman of Texas evoked as high level and high caliber of Texas representation, Texas skill, Texas managerial know-how and accountability above all. Wright Patman, it would be inconceivable for us today, to think would be anything but radically speaking out and protesting the conditions of the financial markets, the heavy concentration of credit resources in fewer and fewer hands in our country. He would be on top of the real issue that confronts us domestically on economic matters. He had to fight almost in an impossible manner during the time that he was chairman of the Committee on Banking.

Soon after my emergence of service into the House of Representatives, Patman became chairman. Immediately, what he did and what he performed as chairman of the Committee on Banking during that period of time, which lasted approximately from the years 1963 to about 1975, are written in the record. I do not have to establish them. I do not have to give him some praise in an exaggerated manner, because the record is there.

What I am saying is we should keep perennially in mind and evoke perennially the memory of such men and the into the House of Representatives, Patman and Lyndon Johnson for the great American leadership that they have given us, one in both the legislative, national legislative, as well as the national executive branch of the Government and the other in the preeminent ability as a legislator transcending the purely local connotations of this representation and reaching out to the great extent of national representation as chairman of the committee.

Mr. MILLER of Ohio. Mr. Speaker. I ask unanimous consent to address the House for 2 minutes.

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

There was no objection.

Mr. MILLER of Ohio. Mr. Speaker, the International Court of Justice has ruled unanimously that Iran must release the hostages and declared the inviolability of diplomatic envoys a fundamental basis of relations between nations. Also, the United Nations has called unanimously for the release of the hostages.

Over 50 American hostages are still held prisoners in Iran in peril of their lives and suffering greatly. This imprisonment is illegal and inhuman. Our diplomatic personnel are even threatened with a trial.

This is the first time in modern diplomatic history a nation has illegally seized and imprisoned diplomatic personnel of another country. The conventions and treaty which bind the United States and Iran to peaceful settlement of disputes and which Iran has flagrantly

violated are: The 1961 Vienna Convention on Diplomatic Relations, the 1963 Vienna Convention on Consular Relations, the New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the 1955 Treaty of Amity, Economic Relations and Consular Rights.

The terms of these international agreements and the principles of international law are clear. We call upon the Iranian Parliament and Ayatollah Khomeini to release the hostages. We continue to hold Iranian authorities responsible for the welfare and safety of our people.

#### THE 41ST ANNIVERSARY OF THE INVASION OF POLAND COMMEMORATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, September 1, 1939, was a day of infamy, for it was on this day 41 years ago that the military forces of the Nazis invaded Poland and set off a series of events that led to World War II.

Poland was the victim in September 1939; the sacrificial lamb; because it was the sacrifice of Poland that led the free nations of Europe to make that final decision to stop Hitler from the conquest of the entire continent.

Within a very short time, the Nazi war machine destroyed the nation of Poland. The heroic, courageous, patriotic Polish people fought desperately to turn back the mighty enemy, but the power of Hitler's army was too much for the Poles.

When victory became certain for the Nazis, the Soviet Union decided to seize a share of the war booty and on September 17 sent the Red army across the Polish frontier, annexed huge areas of Poland into the Soviet Union, and joined in the final destruction of the Polish state.

It is, of course, one of the tragedies of history that the victim too must pay the price of the enemy's miscalculations. For Poland and her people endured the worst of World War II only to find that a new enemy had taken control of the country's destiny once liberation from the Nazis became a reality. The Communists quickly grabbed for power as the Nazi forces retreated, and ever since the people of Poland have been subjected to this brutal and all-consuming tyranny.

A cruel fate had befallen the Polish people, and once effective opposition was crushed, the Communist regime leaders set out to create in Poland a Communist state modeled after the one in the Soviet Union.

Political freedom was narrowly limited by the Communist Party, and freedom of religion no longer existed. The economic sector, particularly industry, was organized along inefficient and repressive party lines, and in the cultural realm, Communist control was total. No longer could the Polish artist, the playwright,

the composer create his art freely as his inner soul demanded.

It was only through subsequent bloodshed, struggle, and faith in their religious heritage that the Polish people through the years were able to win a few concessions from the Communist dictatorship. In 1956 and in 1970, they struggled for their human rights, and now again, in 1980, the Polish people are proving to the world that they fervently wish to live in freedom and independence without interference from foreign nations, particularly the Soviet Union.

I was honored to join with my good friend and colleague, the Honorable CLEMENT J. ZABLOCKI, chairman of the House Foreign Affairs Committee, in co-sponsoring House Concurrent Resolution 423, urging the leaders of the Polish Government as well as the Polish people to resolve the issues raised by the striking workers through peaceful means, and also urging all signatories of the Final Act of the Conference on Security and Cooperation in Europe, which include the Soviet Union, to respect the inviolability of the Polish frontier and the principle of nonintervention in the internal affairs of Poland.

The text of this resolution follows:

#### H. CON. RES. 423

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatories to respect human rights and fundamental freedoms including economic rights;

Whereas Principles I and III of the Final Act guarantee that every state has the right to judicial equality, to territorial integrity, and to freedom and political independence; that each has the right to choose and develop its own political, social, economic and cultural systems; and that the frontiers of each state are inviolable, regardless of the political, social, economic or cultural systems chosen by that state;

Whereas Principle VI commits all participating states to abjure from military action, use of force, and coercion in order that peace, security and cooperation in Europe may be assured;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee to all the rights of freedom of thought, conscience, religion, opinion and expression;

Whereas the Universal Declaration of Human Rights provides that "Everyone has the right to form and to join trade unions for the protection of his interests";

Whereas Poland signed the Final Act of the Conference on Security and Cooperation in Europe, is morally bound by the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas many thousands of Polish workers have peacefully organized themselves and have asked the Polish Government to negotiate in good faith with them;

Whereas the Polish Government has detained a number of its own citizens who have actively supported the workers in the exercise of their rights: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress:*

(1) urges the Polish Government and people to resolve the issues raised by the workers through peaceful means and in accordance with the Principles of the Final Act of the Conference on Security and Cooperation in Europe, as well as other interna-

tional agreements to which Poland is a party;

(2) requests the Polish Government immediately to release persons unjustly imprisoned during the recent worker unrest for their efforts to exercise their rights as guaranteed by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Final Act of the Conference on Security and Cooperation in Europe; and

(3) calls upon all signatories to observe the Declaration on Principles Guiding Relations between Participating States, particularly those relating to sovereign equality, inviolability of frontiers, and non-intervention in internal affairs.

SEC. 2. The Clerk of the House of Representatives shall transmit copies of this resolution to the President, the Secretary of State, and the Polish Ambassador to the United States.

In this anniversary of the beginning of World War II, our hearts go out to the Polish people. Their lives have been too full of tragedy, misery, and suffering. These fearless, hardworking, courageous people deserve a far better fate than what has befallen them since September 1, 1939. It is our hope that one day they shall have better times, and that they will be a part of the whole European community of nations enjoying fully the fruits of democracy and freedom.

As we again commemorate these sad events in the House of Representatives, I am proud to join the Polish Americans in the 11th District of Illinois, whom I am honored to represent, in Chicago, and all over this Nation in their hopes and prayers for the reentry of Poland in the community of free nations. Freedom-loving people the world over are watching and the Communists must never be allowed to forget this or to ignore the yearning for liberty and human rights in the hearts of the Polish peoples.®

#### SECRETARY OF EDUCATION SUGGESTS MORE COOPERATION BETWEEN BUSINESS AND EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAs) is recognized for 5 minutes.

® Mr. BRADEMAs. Mr. Speaker, last month, in a speech before the National Alliance of Business, the distinguished Secretary of Education, the Honorable Shirley M. Hufstедler, discussed some of the problems facing education in the United States and made a number of suggestions for greater cooperation between business leaders and educators that would benefit both as well as the schools and the students themselves.

I commend Secretary Hufstедler for her innovative approach and include the text of her speech of July 17, 1979, in the RECORD.

REMARKS BY HON. SHIRLEY M. HUFSTEDLER, SECRETARY OF EDUCATION, TO THE NATIONAL ALLIANCE OF BUSINESS

For many years leaders in education and business thought they had little in common. Today we know that, although we are in different boats, we are sailing the same choppy seas of economic, social and demographic change.

Actually, my being here with you is something of a role reversal. Rather than a sec-

retary looking for work, I am a secretary looking for workers. My objective today is to pique your interest in the future of American education in a difficult time and to set you to thinking about what you can do to help.

I realize that in doing this, I am, to a certain extent preaching to the choir. Your very presence here this afternoon, and your individual records of involvement in NAB, and CETA, and private industry councils sets you apart as businessmen-and-women able to recognize the needs and the problems of our larger society and willing to do something about them. But while many of your companies are already actively at work in education, some are not. And every one of you has friends, associates and contacts who could be doing much more to help than they are. So, just as the Bible reminds us that the Lord "sendeth the rain on the just and on the unjust," I am going to solicit help from the involved and the not-yet-involved alike—one never knows whence the first sale of the day will come.

#### WHY GET INVOLVED?

Let's begin with the first and most obvious questions: Why should any of you—why should business people in general—get involved with education in America today? The answer is that you should get involved either because you are needed or because it is in your own self-interest to do so. Pick whichever reason appeals to the innermost you. Both are absolutely on target. There is a difference between doing good and doing well.

For the altruism in each of us, the simple fact is that the nation's school systems are reeling under a series of demographic and financial blows. During the late '60s, with the passing of the "baby boom," the number of young people in our population began to fall for the first time in history. As the demographic contraction moved inexorably through the educational system, it brought financial woes, teacher unrest and school closures at every level. Fewer children also meant fewer parents and grandparents among the voting and taxpaying public. Recession and inflation hit the schools hard and further weakened public support—as did uproars over such issues as integration, Vietnam, and declining standards.

Today the schools are caught in a difficult squeeze. While the absolute number of students continues to decline, the per capita cost of educating each one continues to rise. This means larger budgets for what is commonly seen as less service. It is not too surprising, therefore, that schools and teachers have come under heavy fire from the rest of the society in recent years. Every day brings new stories on television and in the press about a long list of familiar educational ills: from vandalism to declining test scores, from busing to teacher burn-out.

#### SCHOOL POPULATION CHANGES

This negative view of education, though common, is limned in exceedingly broad strokes; and, like all such renderings, it misses important details and subtleties. The over-all decline in the number of students for example, obscures dramatic growth in a number of key areas. Far from falling, the number of poor and disadvantaged youngsters is rising rapidly. The same is true for children who speak little or no English, and for those who suffer from physical, mental and emotional handicaps. Aside from growth, the common denominator of all of these groups of students is that their education requires greater than average expenditures of time, money and material.

In addition to their changing demography, schools must try to cope with such systemic problems as rapid technological change, reshaping of the family unit, the gender revolution, and television's dominance of the young. And, while coping, they must simul-

taneously perform a myriad of new social functions that were once the responsibility of other institutions. Immunization, driver training, dental care, job training, education in parenting—all of these worthy activities and many more are now performed at school rather than exclusively at home, at church, or at work.

None of us would suggest that these things are unimportant. Yet it cannot be denied that the cumulative result is both expensive and substantially different from the schools that most of us knew as youngsters. And because a progressively smaller proportion of the adult population has children in school, the general public's awareness of such problems is not high.

#### WHAT'S IN IT FOR YOU?

So much for altruism. The schools need help; you are in the position to offer that help. That alone would be reason enough to get involved. But let us now consider the question of self-interest or, in more colorful terms, what's in it for you? I can answer that in two words: Your future.

I do not mean only that the destiny of the Nation depends ultimately upon the quality of its public schools. That is true; but the stake of business people in education is much more direct, much more immediate. It touches everything you do, beginning with employees. I am fond of teasing people whose job it is to project the number and the quality of people who will be available for entry level jobs in the next 5 to 10 years. I remind them that they have one of the easiest jobs in America if they will only do it right. Rather than develop elaborate statistical models, they can simply walk down the street to any junior high school and interview the students. These are the same individuals who will be answering our want-ads in the next five to 10 years—if they can read them.

#### BETTER NOW THAN LATER

The caliber of work, the productivity level of each of your enterprises depends in a most direct way upon the skills and the education that these young people will bring to your personnel offices. It is easier and more effective to spend time and money now to make sure that they are well-prepared, than it will be to retrain them in 1990.

Your personnel needs, of course, will go beyond entry level workers. Technology is at the heart of profitability in today's business. The future prosperity of your enterprises will depend on the quality of research and development that you are able to sustain in the years ahead. And that in turn will depend directly upon the long-term viability of our colleges and research universities.

Let me just round off the topic of personnel by pointing out that tomorrow's middle management positions will also be filled by young people in school today. And even those of you who plan to purloin—uh, recruit—them from other firms will still be dealing with schools. Every young up-and-comer you try to lure to that plant in Gibbville is going to ask some pointed questions about the Gibbville schools he-or-she agrees to relocate.

None of this is new, of course. Every person in this room understands the need for a supply of well-educated labor. What may be new is the realization that the American educational system which we have always been accustomed to think of as the best in the world, and which has always operated with little or no direct input on the part of business, is now showing signs of serious difficulty. It is rather like the situation that prevailed with oil in 1974. We all understood that we were dependent, but it had never occurred to us that our supply might really be interrupted.

#### IMPLICATIONS ARE BROAD

Of course, the implications of a weakened educational system go far beyond personnel. They extend to markets both at home and

abroad. It is self-evident that a better educated, more productive work-force is going to make more money and spend more money in the marketplace. Beyond that, however, many important aspects of local, national and international markets are intimately related to educational issues.

To take but one example, Hispanics will very probably pass Blacks to become the largest single minority group in America over the next 5 to 10 years. There is a widespread tendency to think of this as a change that is taking place somewhere else; but in reality, it is occurring all over the country. Few of you would be surprised, for instance, to learn that in my hometown of Los Angeles the school population is well over one-third Hispanic. I wonder how many of you realize, however, that the same statement can be made about John Filler's hometown of Hartford, Conn.?

The implications are obvious both for the marketplace and for the schoolhouse. Media buyers are going to have to start learning about Spanish language radio and television—not just in Los Angeles either. And every person in this room is going to have a much bigger stake in bilingual education than he or she might once have thought.

If you want to retain your markets both at home and abroad, your companies are going to have to learn to communicate in Spanish to sell your products. And that, of course, will involve having many people in your employ who are bilingual.

The ability of schools to cope with complicated questions of bilingualism will be high on the list of business concerns in the '80s and '90s.

#### LANGUAGE PROBLEMS

The same kinds of considerations arise with overseas markets. There was a time when American businesses operated at home and abroad with relatively little concern about foreign competition—back around the time of the penny postcard. Today, however, American firms have to struggle for important business abroad. And quite often they begin that competition a linguistic half-step behind. It is a rare Japanese or German or French young person who cannot speak at least two languages. By contrast, we are reaching the unhappy position of considering it a triumph when the average American student has a good command of English.

There is no way to be certain how much, if any, international business we lose by virtue of poor language capabilities. What is certain is that we will lose more tomorrow than we do today. The trend toward internationalization grows more pronounced with every passing year. If we do not adapt, it is only a matter of time before we put ourselves at a serious competitive disadvantage.

I could go on in this vein all afternoon; but I trust the point is made. Neither schools nor corporations can afford to continue the business as usual pattern in which the private sector lives exclusively in its own world and educators live in theirs. That is no longer possible amid the changing economic, demographic, and social conditions at home and abroad. In today's world, we have to understand that we need each other; and we have to understand how we can help each other.

#### KEY AREAS FOR SUPPORT

In that spirit, I would like to suggest some key areas in which a business partnership support for education could be particularly helpful.

First there is the broad stage of public opinion on which national attitudes are formed and social agendas set. On that level, it is extremely important that leaders in the private sector become advocates for the educational system.

Now, an advocate is not an apologist. There is nothing to be gained by turning a blind eye to the very real problems and shortcomings of our schools. Still, the need for advocacy is very real. In their weakened state, our

schools stand vulnerable to sweeping, unreasonable attacks from many directions. Too often the fundamental importance of the educational system is forgotten in the heat of the moment. Education needs the support of respected, dispassionate leaders from every walk of life. No one is better able to give that kind of support than you in the private sector.

A second way in which business can and should be a major force is through cooperative efforts with Federal, state and local governments to strengthen schools at every level. The preeminent opportunity before us now is the President's Youth Act of 1980. I can think of no group in the country better situated to understand and appreciate the need for this program than NAB. Throughout its 10 year existence, this organization has done outstanding work on the problems of structural unemployment. You know better than anyone else that much of the severe unemployment among our youth stems from a failure to equip disadvantaged youngsters with basic literacy and computation skills—and failure to teach them anything at all about how to get and keep good jobs.

#### LOCAL CONDITIONS, NEEDS

By now most of you probably also know something about the Youth Act and how it proposes to attack the problem. Every participating junior and senior high school in the country will be responsible for designing its own plan to upgrade the academic and work-related skills of its students in light of local conditions and local needs. And every one of those schools will be required to have the advice and partnership of private businesses.

The basic premise is that collaboration with the private sector will enable the schools to do a better job of imparting the skills that local employers need. It is apparent to anyone who has read the Youth Act that its success or failure will depend almost entirely on a spirit of leadership and cooperation in the nation's business community.

I wish to announce today that I have formed a Department of Education Task Force on Youth Programs to be headed by Bob Schwartz under the direction of Deputy Under Secretary Mike Bakalis. Mike is a former chief state school officer for the state of Illinois and Bob is a former high school teacher, principal and education adviser to the Mayor of Boston. One of the chief responsibilities of this task force is to explore possible models for successful implementation at the school level—including methods for encouraging maximum cooperation between schools and businesses.

If good collaboration exists only on paper, then the Youth Act will simply be an expensive monument to our inability to pull together to face national problems. If, on the other hand, the collaboration is to be real, then the time to begin planning is now. Hopefully, the bill will soon be passed by Congress; but even if passage should be delayed, it is essential that both schools and businesses begin thinking now about how to make it work.

#### SPECIAL ROLE

There is a special role here for NAB as an organization and for each of you as members. You have channels for spreading the word about how and why to participate in this effort that are simply not available to the government, not available to the education system. I would hope that the Youth Act could find a place on the agendas of every business conference and every trade association meeting as well as in the pages of every trade publication and in-house publication throughout the country.

The final arena in which I hope that business people everywhere will be active is that of direct interaction with the nation's schools. Leave government out entirely. Match up your own resources and needs with

those of universities, colleges, junior and senior high schools, and let your imaginations take you where they will. They will take you to some exciting places.

I hope you won't limit your involvements with colleges and universities, for example, to making contributions to general funds or donating new buildings in honor of corporate founders. These are worthy projects, certain to find eager recipients if that is your company's mood. But much more significant, I think, for the long term future of education in this country will be the willingness of businesses to enter into creative joint ventures with colleges and universities.

#### TEMPORARY PERSONNEL EXCHANGES

Consider the possibilities of just one arrangement: temporary personnel exchanges. Well-qualified college faculty members could gain some practical experience on the job while bringing some fresh thinking to your operations. Meanwhile, your own employees could do research, teach, or simply expand their skills on campus. Both faculty and executives would return to their jobs refreshed from contact with new people and new ideas. Just that kind of program is being tried with great success by innovative companies right now. And it is having the beneficial side effect of loosening up rigid tenure structures that tend to close out new ideas and new faculty on campus during times of retrenchment.

The same potential for creative cooperation exists on the secondary level. Again, it is not simply a matter of adopting a high school or junior high. I would urge you to do that, too; it's going to be more important than ever under the Youth Act. But there are other ways in which business can and should make available its expertise, its resources and its experiences in key areas.

#### JOINT VENTURES

For example, one of the greater strengths of American business is managerial skill—a commodity often in short supply among urban school districts. Around the country people are beginning to experiment with programs in which corporations donate the services of talented executives to assist school districts with some of the enormous complex management issues that they face on a daily basis.

One of the benefits of these kinds of joint ventures is the simple act of breaking out of those separate worlds that I talked about a little earlier.

I'm well aware that a major obstacle to cooperation between business and education is the general perception that educators are unsympathetic, not to say hostile, to business and its objectives. In part, this may be a residue of the Vietnam years. In part, it is simply a lack of familiarity. But another factor that I would urge each of you to consider is that no one reacts well to unremitting criticism. Too often, those in the schools, particularly the public schools, see private sector leaders as sources of very little support but lots of criticism—sometimes bordering on disdain. Under those conditions, it would be surprising if some barriers of defensiveness and distrust did not exist.

Educators have much to learn about the techniques and the capabilities of management in private industry—and about the skills and the simple humanity of the people involved. Those in the business community will find that they, too, have a good deal to learn about the talent dedication of educators, about the intractable problems that they face—and, again, about the skills and the humanity of the people involved.

As one who has been fortunate enough to move in both worlds, I am eager for the kinds of exchanges that will get the learning process underway; and eager, too, for the Department of Education to set an example. I hope, for instance, that NAB members will consider detailing to the Department some

managerial and executive talent. We have many technical problems that could benefit from your considerable expertise. We could even use some assistance in areas that particularly concern and frustrate the private sector; such as Federal regulations, and over use of consultants in government work. Both are difficult problems that look somewhat different from inside than out.

#### SUCCESS IS UNSUNG

I would also hope that the Department of Education can lead the way not only in helping educators communicate their needs to business, but in giving business people the chance to make their case to those involved in education. After all, one of the things that education and business have in common is that our success stories are sure bets for the back page of the newspaper while our failures never miss the headlines or the evening news.

No one signs up for a cause or an institution that cannot demonstrate some successes and communicate a vision of where it's going and why it's going there—a vision, by the way, that goes beyond economics to encompass a moral and ethical view of the world. Education and business could do much to enable one another to communicate our successes and our visions to the American people.

There is a good deal of talk today about the fact that Americans are confronted with a more difficult world than we have been accustomed to: a world in which there are questions about our military capabilities, about our economic superiority, about the viability of our social and political institutions. It is a time for a national reexamination of assumptions, and I firmly believe that we will emerge from it a stronger and more prosperous country.

If we are to do so, however, we will have to make the kind of investment in our basic institutions that will allow us to reindustrialize, to regroup and attack the national problem of productivity, to move forward on every front. In my mind the single great prerequisite for success in all of these endeavors is a reinvigorated educational system. No one has more to gain by that than you in the business community and no one has greater potential to make it happen.

May I repeat that we need each other, we have it within our power to help each other, we have only to begin.●

#### YOUTH UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, I was proud to vote for the Youth Act of 1980 which the House passed on Tuesday and I urge the Senate to act expeditiously on this important legislation. The bill addresses a most serious problem besetting our country at this time—the staggering rate of youth unemployment.

For the past 10 years the number of youngsters unable to find jobs has increased considerably. In many cities, like Newark and East Orange located in my congressional district, over 35 percent of young men and women are unemployed—and the rate is even higher among blacks and other minorities.

In fact, the job outlook in many cities has been so bad for so long that youngsters have grown up with no hope of ever finding jobs. Consequently, the hope for America's future has given way to a feeling of desperation which pervades all phases of our society. Without the prospect of finding a job, youngsters turn to

lives dominated by drugs and crime—while families and neighborhoods disintegrate.

An important step in solving the problems of our cities and turning around the decline in our national economy is to put Americans back to work. That is what the bill sets out to do.

The Youth Act takes the initiative to reverse the trend of rising unemployment among our youngsters by making a national commitment to train young people for permanent jobs in private business.

By revising and consolidating CETA programs for disadvantaged youths, the bill provides a broad range of employment and training opportunities to those areas most in need.

I urge the Senate to resist all weakening amendments and approve this most important bill, so that we can begin building a better future for the youth of America.●

#### AMERICAN WINE LABELING EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am introducing legislation today to prohibit the Treasury Department from implementing wine ingredient labeling regulations until the Bureau of Alcohol, Tobacco and Firearms develops a plan to insure that foreign wine producers selling their product in the United States comply with the same standards and procedures required of American winemakers.

The history of wine ingredient labeling is a long and troublesome one to many Members from wine producing regions of the country. On a number of occasions over the past 2 years, I have organized meetings between the Secretary of the Treasury and members of the California congressional delegation to discuss our concerns about various wine labeling schemes that we believed to be unnecessary and excessively burdensome. After some 10 years of struggling with this problem, the Bureau of Alcohol, Tobacco and Firearms on Friday, June 13, 1980, published final regulations requiring American winemakers to implement a so-called voluntary ingredient labeling plan by 1983. Unfortunately, these regulations are seriously flawed.

While the Department of Treasury insists that ingredient labeling is to be implemented to provide consumers with accurate information about the content of wine, the regulations are wholly inadequate with regard to foreign imported wine. If we are to be true to the purpose of these regulations, we must insure that foreign wine producers comply with the same standards and procedures that American winemakers are subject to. It is doubly important that we do this to avoid placing our own Nation's wine industry at a serious competitive disadvantage in the marketplace in comparison to foreign winemakers.

The present regulations ask only that foreign wine producers obtain a certificate from their own government con-

firming that they have complied with the labeling regulations. There is no mechanism presently built into the regulations to validate these certificates and to insure that foreign wine producers are keeping the same records and conducting the same tests that will be required of American winemakers.

My legislation would prevent the implementation of these regulations until such time as a system is developed that will insure that labeling will not result in placing American winemakers at a disadvantage. It will further insure that all wine sold in the United States will carry a label that conforms to the same standards and procedures.

I urge your careful consideration and support of this important measure.

Mr. Speaker, I insert the text of my legislation:

#### AMERICAN WINE LABELING EQUITY ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) the wine ingredient labeling regulations promulgated by the Bureau of Alcohol, Tobacco, and Firearms pursuant to the Federal Alcohol Administration Act and published in the Federal Register of June 13, 1980, as a portion of T.D. ATF-66, places substantial burdens on American producers of wine.

(2) such regulations place a lesser burden on foreign producers of wine because—

(A) such regulations permit foreign producers to establish the accuracy of the ingredient listings by a certification from a foreign governmental official, and

(B) such regulations do not contain adequate provisions to ensure that the certifications are accurate, and

(3) the greater burden placed on American producers of wine could result in a severe competitive disadvantage.

(b) The wine ingredient labeling regulations shall not take effect earlier than 180 days after the day on which such regulations are amended—

(1) to require foreign producers of wine imported into the United States to keep the same records, and otherwise comply with such regulations, in the same manner as American producers, and

(2) to provide procedures (in addition to any certification process) to ensure full compliance with such regulations by foreign producers.

(c) When used pursuant to the wine ingredient labeling regulations, the words "ingredient" or "ingredients" and the words "content" and "contents" may be used interchangeably.

(d) For purposes of this section, the term "wine ingredient labeling regulations" means the regulations which were prescribed by the Bureau of Alcohol, Tobacco, and Firearms pursuant to the Federal Alcohol Administration Act and published in the Federal Register of June 13, 1980, as a portion of T.D. ATF-66, to the extent that such regulations relate to the labeling and advertising of wine.●

#### JOHN GABRIEL RECOGNIZED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

● Mr. DANIELSON. Mr. Speaker, I rise on this occasion to bring to the attention of my colleagues to a man who has devoted much of his life and his money to aid his fellow citizen—John A. Gabriel, of Montebello, Calif.

On September 27, 1980, a testimonial dinner will be held in John Gabriel's honor, the proceeds of which will go to help finance the city of Hope, well known health and medical center in southern California.

John Gabriel is truly a self-made man and is now one of the most respected and prominent residents of my congressional district. Born of immigrant Armenian parents, he started himself in the paper and cardboard recycling business long before it became either a popular or a profitable venture. Later he became a manufacturer of other products and also entered into the fields of banking and finance. Through hard work and great wisdom, he has been successful in all of those lines of endeavor.

The city of Hope testimonial dinner is only one of the many awards that have been tendered to John Gabriel. His service to the community in civic, charitable, and business organizations is well known.

John Gabriel was born in East Los Angeles area and has spent his entire 63 years in and near that location. He is president and chairman of the board of the Garfield Bank, Gabriel Enterprises, Gabriel Container Corp., and a number of other local corporations.

He is a member of the board of directors of the Beverly Community Hospital Association and was, 2 years ago, selected as Man of the Year by the Beverly Hospital Foundation.

I want to congratulate John Gabriel on this occasion, and commend the city of Hope for recognizing him in this fashion. I know that John, as well as his wife Agnes and all of the members of his family must be very proud.●

#### RADIO JAMMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

● Mr. DERWINSKI. Mr. Speaker, I wish to direct the special attention of the Members to the issue of the Soviet Union's jamming foreign broadcasts of the crisis that is developing in Poland. This jamming of broadcasts beamed to its territory from abroad was not a spur-of-the-moment decision on the part of top Soviet leaders but must have been planned for several months, at least.

The measure was probably contemplated some time ago as a Soviet reaction to the world reaction to its invasion of Afghanistan. It was possibly held up, however, until the Moscow Olympics were over and the foreign visitors had gone home. It is now known, moreover, that the Soviets made their earlier decision to jam foreign broadcasts to coincide with the Warsaw Pact invasion of Czechoslovakia in 1968, 3 to 4 months before the event.

Radio jamming is extremely expensive. An estimate of costs for the Soviet jamming of Radio Free Europe/Radio Liberty (RFE/RL) is roughly \$300 million a year, three times the cost to the United States of the broadcasting effort itself. A large increase in jamming, now including the Voice of America (VOA), the British Broadcasting Corp. (BBC), the Deutsche Belle foreign broadcasts

to the Soviet Union, means large additional costs in electric power, radio equipment, and the diversion of engineers and technicians from other work—a "brain drain" if you will.

It takes a long time to marshal the resources and coordinate the jamming effort. Jamming shortwave signals must be on the same wavelengths, of course, as the broadcasts being interfered with. Inasmuch as the incoming programs are beamed on several frequencies, there is a good deal of coordination required on the part of the jamming effort, all of which takes considerable planning.

Local ground wave jamming is also expensive and of limited range with only a local effect. Ground waves, mere noise, have a range of 5 to 10 miles, thus requiring many small stations near the target areas. Airwave jamming, on the other hand, affects more listeners and is more common. The jammer signal is broadcast on the shortwave band from approximately the same distance from the audience as the transmitters broadcasting the offensive programs—England, Spain, and Germany, for example. These foreign stations, and thus the Soviet jamming transmitters are 1,200 to 2,000 miles from the intended audience groups. The Soviets must back off, as it were, between 1,000 and 2,000 miles to beam their jamming signals, which are incidentally largely music, from Radio Mayak in Eastern Russia.

Nonetheless, some of the foreign transmitters are very powerful—Deutsche Belle, for example, uses 500-Kw transmitters, broadcasting programs on several frequencies. The Soviet engineers must match the power of these signals, more or less, come on the air at the same time, and be on the correct frequency, all of which takes planning and preparation.

Solzhenitsyn has spoken of the irony wherein cities are considered the center of culture. In Russia, he has pointed out, foreign broadcasts are often so jammed they cannot be heard in the cities. If you want to hear their message, you often must leave the cities for the countryside. Muffled signals from abroad in the "muffled zone."

Additional information to ponder is that the Soviets are now jamming all eight languages in which VOA is broadcasting to the U.S.S.R. Nonetheless, about 50 percent of our programs are getting through. To counter this jamming, VOA has added three high frequencies, two of which are now getting through.

It is obvious that the massive support that the Polish people are giving the workers' strike constitutes complete repudiation of the Communist government. It is also apparent that the thirst for freedom behind the Iron Curtain remains strong and unquenchable.

#### JOHN W. McCORMACK DIRECTS A MESSAGE TO YOUNG AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. CAVANAUGH) is recognized for 5 minutes.

● Mr. CAVANAUGH. Mr. Speaker, throughout the history of this Congress

there have been few who have served the people here possessed of the quiet courage and moral strength of Speaker John W. McCormack. Speaker McCormack has been a leader and an inspiration to others because his entire life has been an example of how a human spirit committed to honesty and decency can serve and even triumph over the most severe challenges and the most extreme difficulties which life presents.

Speaker McCormack is still teaching us all but most especially he is directing his message to young Americans. He has always cared most for those who would come after him and in a recent article entitled, "With All Thy Might," published in the Boston Globe he presents a powerful lesson on faith and tenacity. Our Nation has been blessed to have John W. McCormack spend the time he has among us. The article is as follows:

**"WITH ALL THY MIGHT": REMEMBER THIS WHENEVER YOU FEEL LIKE QUITTING**  
(By John W. McCormack, former Speaker of the U.S. House of Representatives)

The young student sat slumped before me, saying he was ready to give up. Struggling through law school, he was lamenting the long hours of study, the gloomy state of the economy and the difficulties of getting ahead in our overcrowded profession.

"What's the use?" he sighed. "It doesn't pay to knock yourself out for anything anymore."

I leaned back in my swivel chair and studied him for a moment. "I know how you feel, son," I said. "Sixty-six years ago I was in the same boat. Times haven't changed that much."

And then I told him a story. I told him how at age 22 I was preparing for the Massachusetts bar exam. Only difference was I couldn't afford law school. In those days, a would-be attorney could gain his education by "reading law." This meant studying legal tomes for years, hoping to assimilate enough knowledge to pass the rigorous, day-long examination.

I had been an errand boy in the law office of William T. Way, a prominent Boston attorney. A Protestant aristocrat, he gave me, an Irish Catholic lad, the opportunity to study in his law library between errands. I devoured those books.

I had had only eight years of schooling because my father died when I was 13, leaving my mother and my two younger brothers and me alone in South Boston. Those were hard times, too. We used to search the icy tidal flats of the harbor for pieces of coal that had fallen from barges.

Then, just three months before I took the bar exam, my mother died. It was terribly difficult going on without her counsel.

On the night before the exam, I was cramming. Many others taking the test with me, I knew, would have degrees from Harvard and Yale.

It was long after midnight in our little flat as I sat buried in books. It was quiet and lonely in the room. A strong wind off the harbor rattled the loose windowpanes and flickered the oil lamp. The room grew cold as the embers died in the cast-iron stove.

Resting my eyes for a moment, I remembered my mother's soft voice and sweet smile, and my heart ached for her. I thought of her constant advice to us. "I will pray for you and you must pray, but there is something else you must do. As the Good Book says: 'Whosoever thy hand findeth to do, do it with thy might. . . .' (Ecclesiastes 9:10) So whatever you do, lad's, don't be satisfied with doing just enough. There's always something extra you can give. Jesus called

it 'going the extra mile.' It can make all the difference."

The old shelf clock chimed 4:00 a.m. And now the words in the heavy law book swam before my eyes. Fatigue had drained me. My body argued that I had studied long enough, and I looked longingly across the icy room toward my warm bed. I was about to close the book—it was the last volume and I had almost finished it—when those words ". . . with all thy might, Johnny" echoed in my memory.

Shaking myself awake, I focused my eyes on the lamp-lit pages and forced myself to complete the last chapter. As I read, I came to a section that I hadn't really studied before. It explained a certain legal item called a Bill of Particulars, pointed out that it was little used today and explained why. It didn't seem to be of much use, but I read it to the end. Then I fell into bed exhausted, feeling that I had done my work with all my might.

The next morning I walked downtown to the building where the examination was to be held. It was bitter and blustering outside. Other Bostonians stepped along briskly. They all seemed full of confidence, but I felt just the opposite. Inside the building, handed the thick sheaf of examination papers, I felt certain I would fail.

I sat down at the desk, conscious of other aspirants settling to work. I glanced out the window into a gray sky and said a quick prayer. Then I turned to the first page of the examination.

I could hardly believe what I saw.

The first question read: What is a Bill of Particulars? Why is it not now in general use? In a burst of confidence, I dipped the pen into the inkwell before me and began writing furiously.

I didn't know all the answers. But I knew enough of them to earn the right to practice law in the Commonwealth of Massachusetts.

That's the story I told the young law student, and that's the message I'd like to pass along to all young men and women today. The old adage about success being 99 percent perspiration and one percent inspiration is right. And you'll find the source of both—the inspiration, and the gumption for the perspiration—in the Bible.

Faith and working "with all your might" still count in this country. Don't let the cynics tell you otherwise.●

#### PRODUCTION OF SPECIAL NUCLEAR MATERIAL

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, in the August 27 Washington Post, Evans and Novak report on plans for production of special nuclear material for our nuclear weapons program. This is an important subject for those charged with national security responsibilities.

The authors properly quote the House Armed Services Committee report on the Department of Energy's national security authorization bill for fiscal year 1981. In this report we expressed concern about the adequacy of plans for adding special nuclear material production capacity. We called for the completion of design studies and the selection of a reactor type for the next production reactor in fiscal year 1981. This schedule must be followed to permit the timely reactors.

I have not had access to the internal White House communications referred to in the article, although according to the authors, developments they report

on efforts to restrict production capacity are disturbing.

You can be sure that the House Armed Services Committee will closely monitor developments in this national security area.

I am including the article at this point in the RECORD for the benefit of all my colleagues:

[From the Washington Post, Aug. 27, 1980]

(By Rowland Evans and Robert Novak)

#### THE OTHER FACE OF CARTER'S DEFENSE POLICY

While publicly taking a tough election-campaign stance on defense, President Carter has privately ordered a delay in one of the most sensitive areas of national policy: an overdue increase in the production of nuclear explosives for warheads to power America's expanding arsenal.

In response to Ronald Reagan's tough rhetoric, the president has given maximum publicity to the new "Stealth" aircraft and the new nuclear targeting policy to show progress against Soviet power. The delay over expanding nuclear fuel production suggests procrastination in hopes that the Soviet threat will somehow ease. That raises questions about how much the Carter team's view of the Kremlin really has changed.

This other face of the administration's defense policy also points to an election-year political dilemma. The delay in nuclear explosives production betrays a fear that expanded production would antagonize the anti-nuclear and environmental lobbies. But the delay itself generates fear about the reaction of defense-oriented congressmen.

That second fear was reflected in a "top secret" directive on Aug. 7 signed by Zbigniew Brzezinski, Carter's national security adviser. The tip-off was this instruction: "All responses to press inquiries about special nuclear materials should be low-key and . . . limited."

Brzezinski's memorandum went to the secretaries of state and defense, the CIA director and the Joint Chiefs of Staff. It informed them that "a formal . . . decision" to expand nuclear fuel production will be "deferred" until an international conference on nuclear proliferation in Geneva has ended. That will not be for weeks.

The decision to delay means the detentists have won the backstage debate between them and the defense community, a debate waged in Congress and within the administration. Their victory means in essence that there is a high probability of running out of nuclear explosives for the new weapons systems. The administration is authorizing rifles but not the bullets they can fire.

The "bullets" necessary were spelled out last spring in a classified document written by the Joint Chiefs of Staff for Secretary of Defense Harold Brown, setting production targets for new weapons-grade materials. These targets were required by Carter's recent decisions to build the MX mobile missile and the Trident II submarine-launched missile and—most important—to put warheads on new nuclear weapons for Europe to compete with existing Soviet systems.

"Carter has approved these new systems with much fanfare," one defense expert told us, "but the delay in new production of weapons-grade fuel does not give the Joint Chiefs a Chinaman's chance in hell to put warheads on them."

In its report on the authorization bill for the production of warhead fuels last May, the House Armed Services Committee said that Carter was planning major new nuclear weapons for which there would be no explosives. "Is there a commitment to a nuclear weapons program?" the committee asked.

Pentagon officials have tried to argue this case in congressional testimony short of publicly breaking with the White House. On

June 18, James P. Wade, Brown's assistant for atomic energy, testified cautiously that "additional resources" are needed.

Congress has been unsuccessfully pressing Carter for several years to gear nuclear plants in Hanford and Richland, Wash., for production of modern, weapons-grade nuclear fuel. But when, after months of procrastination, Carter finally took the lead in modernizing NATO nuclear weapons and ordered full-speed on the MX and Trident missiles, defense-oriented congressmen believed the impasse was broken.

Brzezinski's directive makes clear they were wrong. It revealed that a July 24 session of the Presidential Review Committee formally decided to defer new production facilities.

The directive went on to warn that "responses to press inquiries . . . should be low-key and limited to the following points": present production is "adequate for the near term"; "long-term requirements are under review but are difficult to predict"; if higher production is needed, "appropriate programs will be requested."

In yet another gesture to politics, the directive orders that all responses to congressional inquiries "should be cleared" by the Defense and Energy departments, the NSC and the Office of Management and Budget. Having put the development of "Stealth" on the network news, Jimmy Carter wants to keep his other defense face shrouded from public view. ●

#### FACTUAL INFORMATION CONCERNING THE NAVY F/A-18 AIRCRAFT PROGRAM

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, on June 12, 1980, the gentleman from Minnesota (Mr. VENTO) addressed the House for 1 minute on the subject of the survivability of the Navy's F/A-18 aircraft. He also inserted in the CONGRESSIONAL RECORD (page 14544) a proposed letter to me dated June 11, 1980. I understand that the gentleman from Minnesota (Mr. VENTO) also issued a press release on the same day that was printed in the Washington Post, along with excerpts from the proposed letter. On June 27, 1980, I received an identical letter from the gentleman from Minnesota (Mr. VENTO) and 14 other Members of the House.

The letter expresses a concern for a strong national defense, and I congratulate the signers for their concern and welcome their support of defense authorizations and appropriations in the future. The letter also expresses a desire to insure that the military services have available modern and effective equipment. I join in that desire. The letter also states that a strong national defense is not "guaranteed" by an uncritical large expenditure of Federal funds. I agree with that statement, but I would also add that in this day and time the only way that we can guarantee a strong national defense is by large expenditures of Federal funds. The letter also states that the Members have become aware of serious questions about the Navy's F/A-18 aircraft after the passage of the Department of Defense Authorization Act by the House on May 21, 1980.

As a basis for this concern, the letter cited a February 1980 report of the Gen-

eral Accounting Office, based on work done by the GAO in 1979.

Based on the GAO report and an "independent investigation," the letter from Congressman VENTO and the other 14 Members of the House recites a litany of allegations concerning the F/A-18 aircraft program. The letter also alleges that "the F/A-18 has alluded congressional scrutiny."

I view the allegations contained in the letter as very serious, and I asked the Secretary of the Navy, the Honorable Edward Hidalgo, to provide the Committee on Armed Services with information concerning these allegations. In order to provide the Members of the House with a balanced view of this situation, I am requesting unanimous consent to insert in the RECORD at this time a copy of the letter to me from the gentleman from Minnesota (Mr. VENTO) and 14 other Members of the House, a copy of my letter to the Secretary of the Navy, and a copy of the response of the Secretary of the Navy to Mr. VENTO's allegations dated August 19, 1980, along with a listing of the briefings and hearings provide to the Members of Congress and staffs on the F/A-18 program since January of 1980.

As a result of personal investigations by Members and the staff of the House Committee on Armed Services into the allegations made by Mr. VENTO and others, appears that:

The cost increases in the F/A-18 program are primarily the result of compounded rates of inflation which could not be predicted at the time that development estimates were made;

Those technical problems that the testing program was designed to discover are being satisfactorily corrected;

The testing program is recovering its momentum and should be completed very close to its scheduled date of completion;

The F/A-18 should meet virtually all of its combat requirements;

There is no new information or problems involving the F/A-18 which requires additional hearings on that program during this session of Congress;

The Congress has been fully and currently informed with respect to the F/A-18 program as evidenced by 18 separate hearings and briefings on that program since February 5, 1980, not including a flight in the aircraft by Congressman JIM LLOYD and other visits by Members and staff to F/A-18 production facilities.

I hope that the following factual information will provide a basis for a reasonable evaluation of the F/A-18 program:

HOUSE OF REPRESENTATIVES,  
Washington, D.C., June 25, 1980.

HON. MELVIN PRICE,  
Chairman, House Armed Services Committee,  
Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to you because of our concerns for a strong national defense. An integral factor in maintaining a strong defense is the adequacy of the equipment available to our forces. It is our responsibility to insure that the military has available modern and effective equipment. A modern military does require a significant investment of funds, but a strong

national defense is not guaranteed by an uncritical large expenditure of federal funds. Obviously, any equipment that we procure must reflect the latest technological advances, as well as meet its specifications and cost limitations. If a program fails those criteria, it must be reassessed. Such a reassessment may result in a continued commitment to that project, modifications of the proposal or the development of alternatives. Regardless of the decision, we can expect an end product that is more effective and fiscally sound than if we allow a faulty, unmodified program to continue.

In the House-passed Department of Defense Authorization, \$1.78 billion was authorized for the development of the F/A-18. Since consideration of this bill, we have become aware of serious questions about the efficacy of the aircraft, which demands Congressional review. This information gathered through the February, 1980, GAO Report, "F/A-18 Naval Strike Fighters: Its Effectiveness Is Uncertain" and independent investigation includes:

Information that cost overruns on the program are approaching \$11 billion;

That the F/A-18, intended as an aircraft carrier fighter, cannot at present land on a carrier;

That the plane does not have the range to fill U.S. Navy needs for fighter and attack missions;

That flight tests and evaluations are 40 percent behind schedule;

That the Defense Systems Acquisitions Review Committee (DSARC III), the final production decision which was due this spring, has been delayed for two years;

That a complete computer analysis (war gaming) in the last few weeks by the staff of the Chief of Naval Operations (CNO) has cast new doubts on the ability of the F/A-18 to meet many mission needs;

That the Office of Management and Budget (OMB) has recently commissioned a restudy of the F/A-18 program because of cost explosion as well as technical and scheduling problems.

This information raises enough questions to justify the immediate attention of all Members of Congress. Both GAO and OMB have raised concerns about the program. Top Navy and Defense officials are aware of the problems. Yet thus far, the F/A-18 has eluded Congressional scrutiny.

It is our hope that your Committee will hold public hearings on the issue of the F/A-18. Before we commit more funds to this project, hard questions, such as the following, must be answered:

What are the cost overruns on the F/A-18? Is it true that the program cost growth in the last 15 months is about twice the total overruns for all Navy shipbuilding in the 10-year period from 1970-79?

Is the F/A-18 now prohibited from carrier landings because the landing gear collapses under the stress of such landings? What will redesign of the landing gear mean in time and cost?

How serious is the wing flutter problem during flight? Is it true that current aircraft are subject to a flight restriction of 400 knots and 3.5 g? What will redesign of a whole new wing mean in time and cost?

Was the acceleration specification reduced? Is it true that the plane is about 30 percent below even the reduced specifications?

Does the F/A-18 meet the specification range for fighter and attack missions? Does the minimal fighter range depend on non-use of the afterburner? Has this specification already been reduced and will it be reduced again?

Is the F/A-18 about 1,600 pounds overweight? Is the Navy trying to change the specifications for dry weight and take-off gross weight to match the current overweight levels?

Is it true that the F/A-18 is 40 percent behind the test schedule in flight hours?

Will the correction of major structural deficiencies ultimately mean total redesign of the aircraft?

In addition, we understand that on April 8, 1980, the F/A-18 Project Manager briefed the Chief of Naval Operations on the full scope and implications of problems with the F/A-18 program. A transcript of his report, as well as the complete results of the more recent war gaming by the CNO's staff, is essential for our consideration of this project.

As we stated earlier, hearings on this issue can only enhance our national defense. Congressional review can either reaffirm our commitment to the F/A-18; lead to needed modifications; or to the development of more effective alternatives.

We urge that the Committee hold public hearings into this matter as soon as possible.

Sincerely yours,

Bruce F. Vento, Fortney H. (Pete) Stark, Edwin B. Forsythe, Andrew Maguire, Berkeley Bedell, Richard Nolan, Anthony C. Beilenson, Ted Weiss, Parren J. Mitchell, Paul Simon, James Weaver, David E. Bonior, John F. Selberling, Thomas J. Downey, Elizabeth Holtzman, Members of Congress.

JULY 1, 1980.

HON. EDWARD HIDALGO,  
Secretary of the Navy, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a letter dated June 25, 1980 from Congressman Bruce F. Vento and other Members of the House of Representatives concerning the F/A-18 aircraft. Since the letter contains serious allegations concerning the effectiveness of the F/A-18, I am requesting that each of the allegations be commented on in the order contained in the letter. With respect to the allegation that "the F/A-18 has eluded Congressional scrutiny," I would appreciate your providing information on the numbers of briefings and hearings involving the F/A-18 aircraft that have been conducted before Congressional staffs and committees since January of 1980.

Your attention to this important matter will be most helpful to the Committee on Armed Services.

Sincerely,

MELVIN PRICE,  
Chairman.

OFFICE OF THE SECRETARY,  
Washington, D.C., August 19, 1980.

HON. MELVIN PRICE,  
Chairman, Committee on Armed Services,  
House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 1, 1980, concerning the effectiveness of the F/A-18. I am enclosing a detailed list of briefings and hearings that we have presented on the program, as well as specific comments on each of Congressman Vento's allegations. The list indicates that the F-18 has, in fact, received close Congressional scrutiny.

I share Congressman Vento's concern for a strong national defense and concur that the adequacy of military equipment is vital to that end. Problems in the F/A-18 development program are being continuously monitored and solutions are being evaluated at all levels of DoD. As the development of this most important weapons system progresses over the next year and a half, it will continue to receive my personal attention.

We are ready to provide any additional assistance that you may require in this matter.

Warm regards,  
Sincerely,

EDWARD HIDALGO,  
Secretary of the Navy.

#### F/A-18 BRIEFINGS AND HEARINGS

Congressional briefings and testimony have been provided to members and staffs since January 1980 as follows:

- 2-5-80: SASC. Program testimony.
- 2-21-80: George Mohrmann, LA to Rep. Ichord (D-Mo) (Chairman of R&D Subcommittee, HASC). Program status prior to FY 81 R&D hearings.
- 2-20-80: HAC Defense Subcommittee. Program testimony.
- 2-22-80: George Foster, Staff, SASC. Costs, support, technical problems, radar, BIT.
- 3-13-80: SASC TACAIR Subcommittee. Current technical concerns.
- 3-26-80: Charles Murphy, Staff Rep. Edwards (R-A1), HAC, F/A-18 All Weather Capability.
- 3-27-80: SAC Defense Subcommittee. ANP hearing.
- 3-28-80: Bob Seraphin, Staff, HAC. Program status.
- 4-7-80: Sen. Goldwater. Program status.
- 4-16-80: HAC Defense Subcommittee. Program status/costs.
- 4-21-80: Sen. Cannon. Current program issues and status.
- 5-16-80: Charles Murphy, Staff, Rep. Edwards (R-A1), HAC. Cost increases reflected in Dec. 79 SAR.
- 6-3/4-80: HAC. Tactical aircraft, air-to-air missiles.
- 6-20-80: Adam Klein, Staff, HASC. Current program issues and status.
- 6-24-80: Charles Murphy, Staff Rep. Edwards (R-A1), HAC. Current program issues and status.
- 6-25-80: HAC.
- 6-26-80: HASC, Chairman Ichord, Congressman Lloyd, Mr. Battista, et al. Current program issues and status.
- 7-1-80: HAC. APN hearings.

#### F/A-18 DEVELOPMENTAL STATUS

1. Serious questions about the efficacy of the F/A-18 have recently been raised in a letter from Congressman Vento to other members of Congress. The following comments are relevant to the information in that letter attributed to a GAO Report and an independent investigation.

a. Cost overruns on the program are approaching \$11 billion.

The F/A-18 FY-80 procurement estimate for the 1366 aircraft program was \$21.8771 billion. The FY-81 estimate for the same program is \$26.935 billion. Cost increase in the program over one year was \$5.0579 billion. Of that increase, \$3.8959 billion, approximately ¾ of the total, was due to escalation. The FY-82 procurement estimate for the total program will contain additional growth. The magnitude of the additional growth is not fully defined but is expected to be above \$3 billion. The economic variables affecting the size of this growth include the increasing costs of material and labor, but the most significant factor is compound inflation (or program cost escalation) on the aircraft procured out to the 1990s. As an example, an aircraft that is procured in 1990 versus 1982, with a 10% yearly inflation factor, will cost 2.4 times as much. New pricing estimates are being developed at this time as a part of the POM process.

Projected F/A-18 cost through 1990 has increased substantially since the initial projections were made more than five years ago. Over the 15-year span of the program, inflation alone is projected to add 220% to the F/A-18 cost. This seriously affects the F/A-18 program image in the eye of the Congress and the public. The term "cost overrun" is most misleading in this context as it implies to many that the program is in jeopardy due to government mismanagement or contractor misfeasance. No one, including the Defense Department or the Congress, anticipated in 1975 the inflation rates that the nation is

experiencing today. The impact of heightened inflation projections are compounded to a greater extent on the F/A-18 program because the F/A-18 program is longer lived (into the 1990s). The most recent fully developed program cost estimates were briefed to the House Appropriations Committee staff as late as May 1980.

b. That the F/A-18, intended as an aircraft carrier fighter, cannot at present land on a carrier.

Last fall, the F/A-18 underwent very successful sea trials. The demonstrated flight characteristics for carrier operations were exceptional. Following the sea trials, the F/A-18 experienced a shrink link lug failure in its starboard landing gear. To prevent recurrence of this incident in other F/A-18 aircraft, the air pressure in the main landing gear struts was lowered and those aircraft were prohibited from further carrier landings. Subsequently, a design refinement to the landing gear has been implemented. The first pilot production aircraft recently delivered is fully capable of all aspects of carrier operations, as will be all forthcoming aircraft.

c. The plane does not have the range to fill U.S. Navy needs for fighter and attack missions.

The range specification for the F/A-18, established in the mid-1970's, reflected the dual fighter/light attack mission requirement. The range specification for the fighter configuration of the F/A-18 is greater than the range of the fighter aircraft it will replace (the F-4); the range specification for the attack configuration is less than the A-7, and although the aircraft has not been tested in the attack configuration at this time, current projections are that the aircraft will exceed the attack range specification. Fighter configuration range, as measured in the early part of the flight test program, was below specification due to higher than expected drag. Aerodynamic drag has now been reduced, and the aircraft is fully expected to meet or exceed fighter range requirements. Information concerning the combat radius of the F/A-18 has been provided to Congress on numerous occasions.

d. That flight tests and evaluations are 40 percent behind schedule.

Total flight hours now stand at more than 1500; this is about 10 percent behind the flight hour schedule established in November 1978. Based on the accomplishments of test aircraft, the test program is more realistically about 4-6 months behind schedule when consideration is given to task accomplishments as well as test time. Part of the delay is due to late delivery of the airplane (2-3 months) and part is due to difficulties in start-up.

e. The Defense Systems Acquisition Review Committee (DSARC III), the final production decision which was due this spring, has been delayed two years.

Since DSARC II, conducted in December 1975, the F/A-18 review schedule has included provisions for conducting the DSARC III review in three phases. The following depicts the plan established following DSARC II and the current plan.

Previous Plan:  
November 80, DSARC IIIB.  
January 82, DSARC IIIC.

Current Plan:  
September 80, DSARC III (fighter).  
February 82, DSARC III (attack).

It is anticipated that the final DSARC III will be conducted after the OPEVAL is completed, estimated to be in April/May 1982.

f. A complete computer analysis (wargaming) in the last few weeks by the staff of the Chief of Naval Operations (CNO) has cast new doubt on the ability of the F/A-18 to meet many mission needs.

The complete computer analysis referred to is unknown. Therefore, a more specific

answer to the above questions is not forwarded at this time, but will be forthcoming if additional identification is provided.

There are a number of other ongoing studies of many Navy mission areas. Each of these normally identify some deficiencies with systems and programs. As an example, the Maritime Air Superiority Study will identify a deficiency in the F/A-18, which does not have the Phoenix missile capability, in a mission scenario where any missile inferior to Phoenix will not meet the threat. The F/A-18, like all other systems, will not accomplish all conceivable missions. It will, however, contribute significantly more combat capability to more Navy and Marine missions than any aircraft in the inventory.

g. The Office of Management and Budget (OMB) has recently commissioned a restudy of the F/A-18 program because of cost explosion, as well as technical and scheduling problems.

Although aware of this study, Navy has not participated in it, nor are we aware of any results at this time. OMB traditionally reviews major programs as they develop to completion as part of their continuing analysis of national security.

2. The following comments are addressed to the specific "hard questions" asked in Congressman Vento's letter.

a. What are the cost overruns on the F/A-18? Is it true that the program cost growth in the last 15 months is about twice the total overruns for all Navy shipbuilding in the 10-year period from 1970-79?

The term cost overrun implies past performance; the F/A-18 cost increases are associated with projected future procurements out to 1990. For example, the major portion of the projected increases between the FY 80 and FY 81 budget is inflation (program cost escalation) in the amount of \$3.9 billion with an additional \$1.2 billion associated with actual program costs. New pricing estimates are being developed at this time as a part of the POM process.

There are three line items in the shipbuilding appropriation which fund the completion of prior year programs. These are called escalation, cost growth and claims. Over the period FY-70 to FY-79, a total of approximately \$3.6 billion was appropriated to SCN for cost growth and claims which is roughly comparable to the \$1.2 billion F/A-18 program cost increase. During the same period the SCN account also received approximately \$1.9 billion for escalation.

It should be noted that there is no comparability between inflation (escalation) related figures. The F/A-18 numbers cover the entire production period through completion of delivery in FY 1984. The SCN funds cover the period from FY 1970 through delivery in FY 1982. Accordingly, the F/A-18 figures contain more years of compounded inflation (program cost escalation).

b. Is the F/A-18 now prohibited from carrier landings because the landing gear collapses under the stress of such landings? What will redesign of the landing gear mean in time and cost?

No. Limiting the F/A-18 to field landings for the short period of time that the aircraft was restricted from carrier landings cost nothing in terms of time as no carrier operations were scheduled. Monetary costs to the program were small as design refinements were handled within the normal full scale development structure. The F/A-18 is fully capable of carrier operations at this time.

c. How serious is the wing flutter problem during flight? Is it true that current aircraft are subject to a flight restriction of 400 knots and 3.5 g? What will redesign of a whole new wing mean in time and cost?

The F/A-18 is not experiencing wing flutter problems in flight. Earlier in the flight test program, flutter performance was good but less than optimally desired. That per-

formance was improved by moving the Sidewinder missile five inches forward in its mounting on the wing tip. This modification was made to enhance already acceptable flutter performance.

The aircraft has performed to 6.5G's and nearly Mach 1.8. Its "flight envelope" is being continually expanded beyond these points as a normal part of the flight development program. The aircraft has achieved 50 degrees angle of attack in a stable flight condition, and has exhibited no engine problems throughout the flight envelope.

The wing is not being redesigned. There have been some modifications incorporated to correct problems encountered during flight test. Several layers of graphite composite material are being added to the outer wing panel for increased stiffness to improve the aircraft's roll rate. Modifications have been made to the leading edge flaps and ailerons to improve the aircraft's performance. Additional point papers discussing aileron sizing and other efforts to improve roll rate have been provided to Congress. This work is covered, both in terms of time and cost, under the existing F/A-18 contract and does not constitute redesign of the wing.

d. Was the acceleration specification reduced? Is it true that the plane is about 30 percent below even the reduced specification?

The Navy's threshold requirement for acceleration remains unchanged. A degradation in acceleration was exhibited on early test flights. Recently the aircraft has been modified to reduce aerodynamic drag and test flights with a modified aircraft have demonstrated an improvement in the acceleration above Mach 1.2. The Navy is continuing to investigate this area. Further improvement is available by increasing engine performance, but keeping engine performance at its current level is perceived at this time as crucial in maintaining the high engine reliability and maintainability characteristics we are attaining. Should any change to the acceleration specification be made, it will only affect aircraft performance in the high supersonic region. From an operational standpoint, the most critical need for superior acceleration performance is in the transonic range. The F/A-18 acceleration is superior to that of any chase aircraft available to either the contractor or the Navy (F-4, F-14, F-15) from any subsonic airspeed to speeds slightly above Mach 1.2.

e. Does the F/A-18 meet the specification range for fighter and attack mission? Does the minimal fighter range depend on non-use of the afterburner? Has this specification already been reduced and will it be reduced again?

As discussed previously, the F/A-18 is expected to meet the fighter and attack ranges of 400 and 550 miles. The fighter specification range profile does include use of the afterburner. The fighter and attack ranges of 400 and 550 miles were established in the "Operational Requirement" dated 28 August 1974 and have not changed.

Range specifications were changed for Lot 3 production to require fuel for divert from a carrier to a shore airfield and to allow credit for range attained during operationally required descents.

f. Is the F/A-18 about 1,600 pounds overweight? Is the Navy trying to change the specification for dry weight and take off gross weight to match the current overweight levels?

The F/A-18 is approximately 1,600 pounds above the anticipated design weight. This was reported to Congress in 1978. Nearly half the weight increase was due to conscious, hard, tough decisions to attain new standards of reliability and maintainability in tactical aircraft.

The weight of the F/A-18 could be reduced, but only at great expense in terms

of both money and reliability. The Navy will recommend at the next DSARC that the weight threshold be increased. It should be noted, however, that the payload for both the fighter and attack versions is the same as originally specified.

g. Is it true that the F/A-18 is 40 percent behind the test schedule in flight hours?

Total flight hours, which now stand at more than 1550, are about 10 percent behind the flight hour schedule established 19 months ago (see para 1.d.).

h. Will the correction of major structural deficiencies ultimately mean total redesign of the aircraft?

To test the structural integrity of the F/A-18, three full scale test articles are being used. The static load test model has been subjected to sustained loads in excess of 11 g's, which is in excess of the aircraft's specified "g" limit (7.5 g). The drop test model is used to test the structural integrity of the aircraft under high sink rate (high g-load) conditions. The fatigue test model subjects the aircraft to the dynamic loads encountered in flight. In this test, the imposed loads simulate all parts of the flight envelope and exceed the flight envelope out to 9 g's. Some structural problems have occurred during fatigue testing. The most significant problem has been a crack in the bulkhead of the fatigue test airframe. The cause of the crack was quickly determined, the bulkhead modified accordingly, and re-installed in the fatigue-test airframe. Since then, the fatigue-test airframe has been subjected to forces equaling one-third of an F/A-18 flying lifetime. During this testing, cracks of a minor nature were discovered and fixes incorporated.

i. On April 8, 1980, the F/A Project Manager briefed the DNSARC in preparation for a DSARC Review on 18 April 1980. The issues covered at that review were flight test status, fatigue test status, program costs, and threshold changes. All have been summarized and, in some cases, updated in this paper. ●

#### THE ARMS RACE IN SPACE

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROWN of California. Mr. Speaker, in recent months, I have become increasingly alarmed with the trend toward the militarization of space, and the implications this has for world peace. From time to time I have placed significant news articles in the CONGRESSIONAL RECORD for review by my colleagues and to generate greater public discussion. Recently I have seen a larger number of articles on this subject, in a wider variety of publications, which at least demonstrates the widespread concern about this issue. Clearly this is the time, before it is too late, for the arms race in space to be curtailed and the peaceful uses of space to be promoted.

The cover story on the September issue of Inquiry magazine, which I will insert in the RECORD at the conclusion of these remarks, is an excellent description of the trends in the U.S. space program and the nature of the space arms race between the United States and the Soviet Union. Another point clearly made by the author, David Ritchie, is the implication to world peace if we fail to develop an effective treaty to limit the emerging space war.

Mr. Speaker, I sincerely believe that

the effective use of military surveillance satellite systems are our best peacekeeping tool. Destruction of these space base systems would inevitably be the prelude to a global nuclear war. The expansion of these systems in both scope and access by all people would be an important step toward global stability. A new outer space treaty, protecting these surveillance systems, must be a priority matter for our Government and all governments sincerely interested in a stable world peace.

Mr. Speaker, I urge my colleagues to review the following article:

[From Inquiry Magazine, Sept. 1, 1980]

#### LASER-RATTLING IN OUTER SPACE

(By David Ritchie)

While Americans watch Luke Skywalker battle Darth Vader in the latest installment of Star Wars, the American and Soviet armed forces are preparing to wage real wars in space, possibly by the end of this decade.

The Carter administration, which came to Washington pledging a cutback in military spending and a "pacification" of the military buildup in space, has done a quick about-face and given its blessing to putting a costly new arms race into orbit. Plans for fantastic new spaceborne weapons systems are well on their way to becoming reality, and if the Department of Defense has its way the skies may soon be patrolled by orbiting "warships" armed with weapons out of a George Lucas movie. The cost of this military escalation in space will be astronomical, and no one can tell when—or how—it will end.

If this sounds like alarmist rhetoric, then consider the following:

The Soviet Union has been testing "hunter-killer" satellites for almost a decade and is said to be capable of knocking U.S. military and communications satellites out of the sky by ramming them or by setting off explosions nearby that riddle the satellites with shrapnel. Russian antisatellite (ASAT) weapons are thought to have scored more than a dozen "kills" on targets in orbit, though that number may be exaggerated. The latest Soviet test of a killer satellite took place in April. It was unsuccessful, but it gave DOD reason to worry; the test was an attempt to knock out a target within the first orbit of the attack spacecraft. "A Soviet antisatellite attack conducted within one earth revolution," said Aviation Week and Space Technology of the test, "would allow little time for the U.S. to recognize one of its spacecraft was in danger." To avoid getting caught by surprise, the United States has identified "threat windows"—times when our satellites might be in danger from Soviet ASAT systems.

DOD spent some \$73 million last year to develop ASAT weapons comparable to those possessed by the Russians, and the Pentagon plans to spend close to half a billion dollars more on ASAT technology in the next few years. Aviation Weekly reports that \$80.5 million is being spent in 1980 alone on a versatile ASAT weapons system that would knock out enemy satellites with a small homing missile. The planned ASAT device would be boosted into space by a two-stage rocket launched from an F-15 fighter plane flying twenty miles above the earth, and would use heat sensors to "sniff out" a target before destroying it.

The Soviets are thought to be making impressive progress in developing ASAT laser weapons. Several years ago there was a report, denied by the Pentagon, that the Russians had used a powerful laser to "blind" two U.S. satellites over Siberia. Not to be outdone, the Pentagon has so far spent more than a billion dollars on laser weapons that might be used against enemy missiles and satellites.

DOD plans to put a huge laser weapon in orbit in the next few years. This project, code-named Talon Gold, is a scaled-down version of Darth Vader's Death Star; it would use high-energy lasers to destroy enemy satellites and ICBMs. The Pentagon believes a multimewatt laser could be put into orbit by 1983 and installed on a "D-sat," or "dedicated defense satellite" that would orbit above and at the same rate as the earth. The laser would employ a mirror ten to thirteen feet in diameter to focus on target, and its beam would burn through the hull of an ICBM, destabilize it, and make the rocket either explode or disintegrate.

The Pentagon seems rather fond of laser weapons, and several besides Talon Gold are in the planning stages. One weapon proposed in 1975 uses an orbiting array of mirrors to reflect a laser beam fired from the ground—the lasers might be mounted on aircraft in flight or on mountain peaks—and to direct the beam toward hostile space vehicles. Cost: \$105 billion. DOD plans a laser test on one of the early space shuttle missions, scheduled to begin either late this year or in 1981. If early experiments prove promising, then laser-weapon platforms may be built in space by 1985.

Senate hawks, notably Malcom Wallop (R-Wyo.), have been agitating for a crash space-laser development program with a projected budget of \$240 million—four times the amount requested by the Carter administration, which has been approved by Congress for this purpose next year. Wallop estimates it would take \$2 billion to put one laser unit in orbit. A network of twenty-four such platforms has been proposed to cover the entire globe with laser power.

Department spokesmen have indicated that the DOD is thinking of setting up a whole new branch of the armed services—in effect a "Space Force"—to handle combat operations in outer space. The air force already has its own Space Division to coordinate all its activities in, and related to, outer space.

The air force set up a manned space flight support group at the Johnson Space Center in Texas in 1979, and some observers believe this group may be the first step toward development of a man-in-space capability for DOD. The department has wanted such a capability for years. The air force planned a military space station called the Manned Orbiting Laboratory (MOL) in the sixties, but had to abandon the project in 1969 because of budget constraints.

DOD, however, may get its orbiting laboratory yet. Similar to the MOL is the European Space Agency's Spacelab, an orbiting scientific laboratory designed to be carried aloft in the cavernous cargo bay of the NASA space shuttle. The Defense Department has understandably taken an interest in Spacelab because it would be a superb spy satellite. Spacelab could carry large cameras for spotting activity both in space and on the ground, and astronauts on board could give a whole new dimension to satellite reconnaissance by adding their "eyeball" observations to those of Spacelab's cameras—an invaluable combination because the eye sometimes sees things the best camera misses. (It's hard to believe, but some of the Gemini astronauts were actually able to see smoke coming from the chimneys of individual houses.)

The Pentagon now has a new Space Defense Operations Center in Colorado Springs, Colorado, to keep track of all major U.S. space systems and any threats to them. The facility is located at the North American Air Defense Command (NORAD) nerve center under Cheyenne Mountain and for the first time provides a single site at which the U.S. military can monitor the status of all spacecraft connected with the Nation's defenses.

The Center is in the process of being tied

in with all U.S. military satellites and also to civilian space systems, like weather and communications satellites, that might be targets for Russian ASAT weapons. Computers at Cheyenne Mountain receive data from all NORAD radar sensors (including one radar installation in North Dakota that can spot something the size of a cigarette lighter in low orbit) and can keep track of 8000 space vehicles at a time. These computers can also simultaneously follow some fifty "high-interest" targets—large satellites re-entering the atmosphere, for example—whose positions have to be precisely known. The Space Defense Operations Center is scheduled to be upgraded in the next few years to handle operation of the new fighter-launched ASAT missile and will serve as the command point for any American antisatellite missions.

Among the objects tracked by NORAD are the twenty-ton Soviet Salyut space stations. These are launched at a rate of one per year and are roughly comparable to our Skylab missions. Some Salyuts are manned, others unmanned. And although the Salyuts are nominally part of a peaceful space project, there is every reason to think they have a military role. Salyut 2, an unmanned station launched in April 1973, transmitted signals back to earth on a frequency normally reserved for Soviet spy satellites. Salyut 3 went up in June 1974 and almost certainly had military capability: It carried a groundward-pointing camera far more powerful than needed for nonmilitary photography, and the mission was the object of a general news blackout that suggests a possible military purpose. A similar news blackout surrounded Salyut 5, in sharp contrast to the publicity photos and films released about Salyuts 1 and 4. Soviet silence as to certain Salyut flights has led Western observers to conclude that about half the Salyut missions are for the benefit of the Russian armed forces.

The Soviets have their own military "space city" at Plesetsk, in the northwestern part of the country. Most of the Soviets' military space missions originate here rather than from the older Tyuratam (also known as Baikonur) cosmodrome in Kazakhstan near the Aral Sea. With at least four major launch complexes Plesetsk is one of the world's biggest space facilities. It is served by its own airfield and highway system, and by the Moscow-Arkhangelsk railway. Plesetsk is also one of the world's busiest spaceports: In 1973, satellite launches from Plesetsk averaged one every four and a half days.

Although the Soviet government refuses to admit the existence of Plesetsk, the rest of the world has known about Russia's military space base for almost fifteen years. In 1966, amateur radio enthusiasts in Britain calculated the orbital paths of newly launched Soviet satellites from their telemetry signals, and followed the orbits back to a launch site somewhere in the northwestern USSR. The Soviets denied the existence of any launch facility in that area, but were caught in their lie a few years later, when the giant base appeared on photos taken by a U.S. civilian LANDSAT satellite launched in 1973. The satellite shots showed a large military airfield and scores of rocket launch pads. Rather than call attention to its military space center, the USSR let the discovery of Plesetsk pass without official comment.

America's military space program has had its budget doubled since 1976, while in recent years the civilian space agency, NASA, has seen its funding steadily whittled down by inflation and reduced appropriations. Funding for the U.S. military space program is now roughly equivalent—\$4.1 billion for the 1980 fiscal year—to America's civilian space effort.

All Soviet space activities are ultimately under military control, and the same may

soon be true of America's space program. NASA is so deeply involved in Defense Department business that a 1978 Library of Congress study seriously discussed a plan to let the Pentagon take over NASA's launching activities altogether. NASA's independence of the military is under attack from other quarters as well. An Army War College study, made public recently under the Freedom of Information Act, referred to the U.S. government's separate civilian and military space programs as "expensive . . . luxuries" that the nation cannot afford much longer. That study called for an "integrated civil/military space technology program," thus suggesting that DOD all but swallow up the civilian space effort.

Though the armed forces' move into outer space seems to have happened almost overnight, it has been underway for two decades. America took the first step toward the military use of outer space by sending up its SAMOS (an acronym for Satellite Missile Observation System) spy satellites beginning in 1960. Designed to track Soviet ICBM deployment, SAMOS represented a quantum leap forward in photo reconnaissance.

From an altitude of a hundred miles, undisturbed by picture-blurring influences such as engine vibration, SAMOS took photos clearer than any then available from aircraft cameras. In 1962 SAMOS gave President Kennedy early warning of the Soviets' attempt to station missiles in Cuba.

After SAMOS the military use of satellites increased steadily on both sides of the Iron Curtain. About half the payloads sent into orbit by U.S. rockets since 1960 have been reconnaissance satellites, and three-fourths of all U.S. and Soviet satellites have been military in purpose.

There is now a bewildering variety of military satellites circling the Earth. These include photo reconnaissance satellites, like the air force's tank car-sized Big Bird, which take pictures of targets on the ground below and return the photos to Earth in a special reentry capsule that is plucked out in midair by "lasso"-equipped aircraft. There are electronic "ferret" satellites that monitor communications on the ground below and can eavesdrop on phone conversations between Soviet army commanders in the field. There are heat-sensing satellites that detect the telltale hot exhausts of missiles being launched. And there are communications satellites handling some 70 percent of U.S. military electronic communications with armed forces overseas.

These satellites have already been used by American troops in Vietnam. Syncom II and III satellites relayed high-priority communications between Southeast Asia and the United States. Later a more advanced system of eighteen communications satellites carried data and pictures from Vietnam to America almost instantaneously. Military weather satellites also played an important role in Vietnam, keeping watch over target areas before and during bombing missions.

Today the U.S. armed forces rely more heavily than ever before on satellites. The Defense Meteorological Satellite Program collects information about weather conditions. The NAVSTAR Global Positioning System, a satellite navigation system now being deployed, will allow precise positioning of aircraft in flight, ships at sea, and even soldiers on the ground. The Air Force Satellite Communications System carries messages to and from our armed forces all over the world. The Satellite Data System handles communications from one polar region to another and helps the air force track satellites.

General Alton D. Slay, commander of the Air Force Systems Command, underscored the importance of satellites to the U.S. military in a speech in Washington last year. "The Defense Satellite Communications System is the key element for worldwide long-haul communications," he said. "For the

future, I see no diminishment of the utility of space for communications and data relay. I see only expansion."

Expanding our military satellite systems may do us little good, however, if the Soviets can knock them down at will. Pentagon officials are worried that if the Soviets could destroy American satellites at the outset of some future armed conflict, American armed forces would have a serious or even fatal disadvantage, since the Pentagon appears to have phased out many of the cable links that had also been kept available previously to provide a backup system for satellite communications. The Russians, by contrast, are thought to have kept both kinds of communications systems, cable and satellite, for added security. This is one reason why Russian ASAT capability worries the Pentagon, and why the United States is trying to match Moscow's space warpower within this decade.

The key to America's plans for war in space is the NASA space shuttle, the stubby-winged spaceship that is supposed to become the workhorse of the U.S. space program in the 1980s. The shuttle, about the size of a DC-9 airliner, is supposed to make its first voyage late this year or early the next. It will ride into space on strap-on rockets and then glide to earth at the conclusion of its mission. It can be relaunched—perhaps as many as a hundred times. DOD has a wide variety of jobs planned for the shuttle, as Defense Secretary Harold Brown told the Senate Committee, on Commerce, Science, and Transportation on February 7.

"Over the next five years, our dependence on the shuttle to support our space systems will become critical," Brown said. "Space systems are increasingly more important for support of our military forces in areas such as communications, navigation, early warning, surveillance, and weather forecasting." Brown added that the shuttle was expected to provide "the benefits of reduced launch costs, increased reliability, increased weight and volume of our payloads, and perhaps most important of all, increased flexibility."

In other words, DOD expects the shuttle will allow the Pentagon to send up more and bigger military hardware for less money per pound than ever before, and that it will make practical many military operations that were previously difficult or impossible.

DOD payloads will be among the first the shuttle will carry. On its first ten flights, the shuttle is scheduled to deploy air force DSCS-3 military communications satellites and DOD weather satellites, orbit a giant High Altitude Large Optics camera to spy on the Soviets, and test laser weapons. The shuttle will also be used to test the Inertial Upper Stage, a booster rocket that could be released from the shuttle to carry satellites into higher orbits where they would be safe from Russia's low-orbiting killer satellites. Indeed, the Pentagon is thinking of hiding "dark" or "silent" satellites in extremely high orbits, where they would be difficult to detect, and switching them on if other military satellites in lower orbits were destroyed.

Clearly, the shuttle will be busy with DOD projects. And just to make sure the Defense Department has all the shuttles it wants, the Pentagon has been pushing for a greatly expanded shuttle fleet. Defense Secretary Brown told a Senate committee recently that DOD may require more shuttle missions, and hence more shuttles, in the 1990s, and the department seems confident of getting what it wants: Earlier this year, Air Force Secretary Hans Mark said he expected the currently planned fleet of four shuttles to be increased to seven. Meanwhile, the next generation of space shuttles, armed space "battleships" that would take off and land using conventional runways, is on Pentagon drawing boards.

The shuttle's ever-expanding military role puts NASA in an uncomfortable position. Every new military mission slated for the

shuttle increases the chance the space agency will be gobbled up by DOD. And NASA's close relationship with DOD makes it increasingly difficult for NASA to protect the image it wishes to project as a peaceful civilian agency. So NASA, to defend that image, and probably also to keep Defense at bay by encouraging public and congressional support for a civilian space program, has been waging a publicity campaign to sell Americans on the nonmilitary uses of the shuttle.

This "salesmanship," as Science magazine called it in an article about NASA's problems, scarcely ever mentions that the shuttle is working for DOD. In one widely distributed NASA publication concerning the shuttle, the only mention of the shuttle's military purposes is a single reference to "national security" near the end of the book.

NASA's public relations campaign has won over the media, which have nothing but praise for the "peaceful" shuttle. Writers and television commentators, always interested in a spectacular space story, see in the shuttle something of the old Apollo glamour and gush about the "new age in space" that the shuttle will supposedly inaugurate. Ordinarily hardheaded reporters go starry-eyed with visions of the shuttle turning out fantastic new products in the airless, zero-gravity environment of space, or building hotels in orbit to serve an interplanetary tourist trade.

Most magazine and newspaper articles about the shuttle are little more than rewrites of NASA promotional literature, and NASA is further assured of friendly coverage by the fact that many articles about the shuttle are written by present and former NASA employees. After all, who knows more about the space shuttle? As a result, the public tends to see only one side of the space shuttle project: its nonmilitary role.

The Soviets, however, are less easily fooled. They have recognized the military potential of the space shuttle since its inception, and last year expressed their concern about the shuttle's possible role in warfare.

The Russians accused the United States of planning to use the shuttle in ASAT activities. That suspicion is understandable. The shuttle is equipped with sophisticated radar for rendezvous with other spacecraft, as well as a manipulator arm that could be used to pluck Soviet satellites out of the sky and destroy them, or even bring them back to earth in the shuttle's cargo bay. The shuttle itself might hold some impressive ASAT weapons, including missiles or high-energy lasers.

The Defense Department denies it is actually planning to use the shuttle against Soviet satellites, but there is no doubt in anyone's mind that the shuttle could be used for that purpose, if DOD ever saw the need.

That prospect led the Russians to demand a halt to the American shuttle project as a step toward the Carter administration's announced goal of curbing ASAT weapons deployment in space. An administration spokesman called the Russian request "totally unacceptable" and added, "We would never agree to terminate the shuttle or even to slow it down." Three weeks later, Representative Ron Paul (R-Tex.) underscored that message to Moscow in a short speech on the House floor. "The space shuttle has tremendous defense applications, which is why the Communists want to get rid of it," Paul said. He urged the government to expand the shuttle project for military purposes, and had ominous words for the civilian space effort: "NASA's future, I believe, must lie in defense-related capabilities."

The Soviets are working on their own space shuttle, a miniature cousin of ours. A U.S. spy satellite caught a glimpse of the Russian shuttle during a glide test several years ago, and pictures published in the West show a delta-winged craft with a blunt nose and a chopped-off tail. The Soviet shuttle has

a much smaller payload capacity than ours and has a wingspan of only twenty-six feet, compared to seventy-six feet for the NASA shuttle.

Russia's space shuttle appears to be based on a twenty-year-old U.S. Air Force design, the X-20A "Dyna-Soar"—short for "Dynamic Soaring"—a glider that would have ridden into space at least five times the speed of sound, atop a liquid-fuel rocket, and then flown back to earth under a pilot's control. Dyna-Soar was abandoned in the early 1960s while the United States was concentrating on reaching the moon instead. It was originally planned to resupply space stations, and the Soviets may plan to use their shuttle as a supply vehicle for their quasimilitary Salyut spaceships.

DOD seems unworried about the Soviet shuttle effort. Defense Secretary Brown has said the Russian shuttle may be a decade behind ours in development. The Pentagon is considerably more worried about setbacks in the American shuttle project; NASA shuttle has been plagued with serious problems that have repeatedly delayed the shuttle's initial flight. A balky engine has given engineers headaches. Solid fuel in the two rocket boosters has sagged out of shape and kept the boosters from being assembled. And the heat-resistant ceramic tiles that cover the shuttle's hull, insulation for reentry, have shown a distressing tendency to fall off. (The Johnson Space Center has given Martin Marietta Aerospace a \$2.1 million contract to design and put together a repair kit that astronauts could use to patch up the shuttle if too many tiles came off during an ascent.)

Problems like these have forced the shuttle over budget as well as behind schedule. NASA now expects the shuttle will cost 20 percent more (about \$1 billion in 1971 dollars) to get off the ground than previously estimated. The agency was given a \$185 million increase in its 1979 budget to help with the shuttle. The following year NASA asked for and received \$220 million more for the shuttle, plus a stern lecture from Congress about delays on the project. NASA is expected to get some \$285 million more in bailout money for the shuttle in fiscal 1981.

President Carter seemed unconcerned about the shuttle's troubles until last November, when the Pentagon briefed him on the military importance of the shuttle. Carter at once spoke up in support of the project and asked Congress to approve NASA's request for more money. No decision illustrates more clearly the Carter administration's policy of pushing space-war projects while taking only a lukewarm interest in any civilian space program.

Where will this emphasis on military space projects lead? One person who should know is Paul Warnke, former head of the Arms Control and Disarmament Agency and leader of the American delegation to the SALT II negotiations at Helsinki in 1978. In discussions with the Soviets, Warnke brought up the prospects for war in space and later commented: "There is no doubt in my mind that we could have war in space within a decade unless we devise a treaty that will stop it."

No such treaty exists, nor is one likely to take shape in the present atmosphere of confrontation between the United States and the Soviet Union. The 1967 Outer Space Treaty, commonly thought to prohibit deployment of weapons systems in outer space, is hardly comprehensive. The treaty does forbid placement of weapons on other celestial bodies (the moon, asteroids, and so forth) and bans weapons of mass destruction—city-busting bombs and the like—from being put into earth orbit. But since an ASAT weapon would be aimed at only a few small targets and, in any case, has nothing like the destructive power of a nuclear bomb, it can be argued that the 1967 treaty permits the unchecked spread of ASAT systems into

space. And while other international agreements oppose the building of antimissile systems, loopholes in those agreements may allow the deployment of virtually any kind of weapons in space.

The consequences could be tragic. As the amount of military hardware in outer space grows, so does the possibility of a military conflict. At first the prospect of unmanned satellites darting through space and firing lasers at one another seems unthreatening and perhaps even a bit on the spectacular side; after all, no one would be hurt—at worst some expensive hardware would be turned into junk.

But remember: Both sides now depend almost exclusively on their satellites for communications and surveillance of the enemy. The loser in an outer space gunfight will not be able to tell what's going on at the enemy's ICBM sites on earth. Under these circumstances, a preemptive nuclear strike will become not only plausible but even desirable to some minds in Moscow and Washington.

So outer space is legally wide open to nearly all military uses. The result is that we face a new, dangerous, and staggeringly expensive arms race that may make the \$50 billion spent so far on military space projects seem like small change. ●

#### CONFERENCE REPORT ON S. 1125

Mr. FOLEY submitted the following conference report and statement on the bill (S. 1125) to improve and expand the Federal crop insurance program, and for other purposes.

#### CONFERENCE REPORT (H. REPT. NO. 96-1272)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1125) to improve and expand the Federal crop insurance program, 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 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 this Act may be cited as the "Federal Crop Insurance Act of 1980".

#### TITLE I—FEDERAL CROP INSURANCE PROGRAM CAPITAL STOCK

SEC. 101. (a) Effective October 1, 1980, section 504(a) of the Federal Crop Insurance Act is amended by striking out "\$200,000,000" and inserting in lieu thereof "\$500,000,000".

(b) Section 504 of the Federal Crop Insurance Act is amended by adding after subsection (c) a new subsection (d) as follows:

"(d) Within thirty days after the date of enactment of the Federal Crop Insurance Act of 1980, the Secretary of the Treasury shall cancel, without consideration, receipts for payments for or on account of the stock of the Federal Crop Insurance Corporation outstanding on such date of enactment and such receipts shall cease to be liabilities of the Corporation."

#### BOARD OF DIRECTORS: MEMBERSHIP AND COMPENSATION

SEC. 102. (a) Section 505(a) of the Federal Crop Insurance Act is amended by—

(1) amending the second sentence to read as follows: "The Board shall consist of the manager of the Corporation, the Under Secretary or Assistant Secretary of Agriculture responsible for the Federal crop insurance program, the Under Secretary or Assistant Secretary of Agriculture responsible for the

farm credit programs of the Department of Agriculture, one person experienced in the crop insurance business who is not otherwise employed by the Federal Government, and three active farmers who are not otherwise employed by the Federal Government."; and

(2) adding at the end thereof a new sentence as follows: "The Secretary, in appointing the three active farmers who are not otherwise employed by the Federal Government, shall ensure that such members are policyholders and are from different geographic areas of the United States, in order that diverse agricultural interests in the United States are at all times represented on the Board."

(b) Section 505(b) of the Federal Crop Insurance Act is amended by striking out "three" wherever that word appears therein and inserting in lieu thereof "four".

(c) The second sentence of section 505 (c) of the Federal Crop Insurance Act is amended to read as follows: "The Directors of the Corporation who are not employed by the Federal Government shall be paid such compensation for their services as Directors as the Secretary of Agriculture shall determine, but such compensation shall not exceed the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code when actually employed, and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistence expenses, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently, when on the business of the Corporation away from their homes or regular places of business."

#### GENERAL POWERS FOR THE CORPORATION

SEC. 103. Section 506 of the Federal Crop Insurance Act is amended by—

(1) in subsection (c), striking out "make contracts and";

(2) amending subsection (d) to read as follows:

"(d) subject to the provisions of section 508(c), may sue and be sued in its corporate name, but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property. The district courts of the United States, including the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation. The Corporation may intervene in any court in any suit, action, or proceeding in which it has an interest. Any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides or is engaged in business;"

(3) in subsection (f), striking out "free"; and

(4) at the end of subsection (j), striking out the period and inserting in lieu thereof "; and", and adding at the end of section 506 a new subsection (k) as follows:

"(k) may enter into and carry out contracts or agreements necessary in the conduct of its business, as determined by the Board, State and local laws or rules shall not apply to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not apply, or to the extent that such laws or rules are inconsistent with such contracts or agreements."

#### USE OF PRIVATE INSURANCE COMPANIES AND OTHER FEDERAL AGENCIES

SEC. 104. Section 507 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (c) to read as follows:

"(c) In the administration of this title, the Board shall, to the maximum extent possible, (1) establish or use committees or associations of producers and make payments to them to cover the administrative and program expenses, as determined by the Board, incurred by them in cooperating in carrying out this title, (2) contract with private insurance companies and reimburse such companies for the administrative and program expenses, as determined by the Board, incurred by them, under terms and provisions and rates of compensation consistent with those generally prevailing in the insurance industry and (3) encourage the sale of Federal crop insurance through licensed private insurance agents and brokers and give the insured the right to renew such insurance for successive terms through such agents and brokers, in which case the agent or broker shall be reasonably compensated from premiums paid by the insured for such sales and renewals recognizing the function of the agent or broker to provide continuing services while the insurance is in effect: *Provided*, That such compensation shall not be included in computations establishing premium rates. The Board shall provide such agents and brokers with indemnification, including costs and reasonable attorney fees, from the Corporation for errors or omissions on the part of the Corporation or its contractors for which the agent or broker is sued or held liable, except to the extent the agent or broker has caused the error or omission."; and

(2) adding a new subsection (f) as follows:

"(f) The Board should use, to the maximum extent possible, the resources, data, boards, and the committees of (1) the Soil Conservation Service, in assisting the Board in the classification of land as to risk and production capability and in the development of acceptable conservation practices; (2) the Forest Service, in assisting the Board in the development of a timber insurance plan; (3) the Agricultural Stabilization and Conservation Service, in assisting the Board in the determination of individual producer yields and in serving as a local contact point for farmers where the Board deems necessary; and (4) other Federal agencies in any way the Board deems necessary in carrying out this title."

#### FEDERAL CROP INSURANCE EXPANSION AND EXTENT OF COVERAGE

SEC. 105. Effective with respect to the 1981 and subsequent crops, subsection (a) of section 508 of the Federal Crop Insurance Act is amended by—

(1) striking out all that follows the subsection designation down through the end of the sixth sentence, which begins, "Reinsurance for private insurance companies . . .", and inserting in lieu thereof the following: "If sufficient actuarial data are available, as determined by the Board, to insure producers of agricultural commodities grown in the United States under any plan or plans of insurance determined by the Board to be adapted to the agricultural commodity involved. Such insurance shall be against loss of the insured commodity due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board. Except in the case of tobacco, insurance shall not extend beyond the period the insured commodity is in the field. For the purpose of the foregoing sentence, in the case of aquacultural species, the term 'field' means the environment in which the commodity is produced.";

(2) striking out the seventh sentence, which begins, "Any insurance offered against loss in yield . . .", and inserting in lieu thereof the following: "Any insurance offered

against loss in yield shall make available to producers protection against loss in yield that covers 75 per centum of the recorded or appraised average yield of the commodity on the insured farm for a representative period (subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just). In addition, the Corporation shall make available to producers lesser levels of yield coverage, including a level of coverage at 50 per centum of the recorded or appraised average yield, as adjusted. The Corporation shall not make available to producers any level of coverage in excess of 75 per centum of the recorded or appraised average yield, as adjusted. One of the price elections offered shall approximate (but be not less than 90 per centum of) the projected market price for the commodity involved, as determined by the Board."; and

(3) striking out the ninth sentence, which begins "Counties selected by the Board . . .".

#### HAIL AND FIRE INSURANCE CREDIT, PREMIUM SUBSIDY, REINSURANCE, AND SPECIFIC RISK PROTECTION

SEC. 106. Effective with respect to the 1981 and subsequent crops, section 508 of the Federal Crop Insurance Act is amended by—

(1) amending subsection (b) to read as follows:

"(b) (1) To fix adequate premiums for insurance at such rates as the Board deems actuarially sufficient to cover claims for losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses.

"(2) The producer may elect to have deleted from the Corporation's policy of insurance the coverage against losses caused by hail and fire and to obtain coverage therefor from other than a Federal insurer. Upon notice in writing of such election to the Corporation and submission of evidence of such substitute coverage on the commodities insured by the Corporation in a dollar amount not less than that provided by the Corporation's policy of insurance, the producer's premium, as calculated by the Corporation, shall be reduced by an amount equal to 40 per centum of the prevailing average county hail and fire insurance premium charged by other than Federal insurers for the dollar amount of the coverage provided by the Corporation's policy of insurance, as determined by the Corporation: *Provided*, That the producer's premium shall not be reduced by less than 15 per centum nor more than 30 per centum: *Provided further*, That, notwithstanding the preceding provisions of this sentence, the producer's premium shall not be reduced by an amount that exceeds the premium for the substitute coverage of a dollar amount equal to that provided by the Corporation's policy of insurance. Any premium reduction in excess of the amount of premium that the Corporation determines would have been necessary for the Corporation to charge in order to cover indemnities actually paid by other than Federal insurers for hail and fire coverage deleted from the Corporation's policy of insurance shall be regarded as premium paid by the Corporation.

"(3) For the purpose of encouraging the broadest possible participation in the insurance program, 30 per centum of each producer's premium (reduced, where applicable, for hail and fire exclusion, or State or State agency subsidy), as calculated by the Corporation on any coverage under the Corporation's policy of insurance up to a maximum of 65 per centum of the recorded or appraised average yield, as adjusted, shall be paid by the Corporation.

"(4) The producer's premium, or share thereof, shall be collected at such time or times, and shall be secured in such manner, as the Board may determine.

"(5) The Board may enter into agreements with any State or agency of a State under which such State or agency may pay to the Corporation additional premium subsidy to further reduce the portion of the premium paid by farmers in such State.

"(6) With respect to any crop insurance covering the 1981 crop of wheat, feed grains, upland cotton, or rice, a producer shall not be eligible for a partial payment of the premium by the Corporation under paragraph (3) of this subsection for such commodity if the producer elects to make the acreage of the commodity eligible for payments under the disaster payment provisions for wheat, feed grains, upland cotton, and rice of the Agricultural Act of 1949 (as amended effective for the 1981 crops): *Provided further*, That a producer who is not eligible for a partial payment of premium by the Corporation under this subsection because of the producer's election to make the acreage of the commodity involved eligible for disaster payments in 1981 shall remain eligible to purchase Federal crop insurance on the 1981 acreage of the commodity at the full cost of the premium.";

(2) amending subsection (c) to read as follows:

"(c) To adjust and pay claims for losses under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court for the district in which the insured farm is located: *Provided*, That no suit on such claim may be allowed under this section unless it shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.";

(3) striking out subsection (d), and redesignating subsection (e) as subsection (d); and

(4) striking out subsection (f) and adding new subsections (e), (f), (g) and (h) as follows:

"(e) And directed, notwithstanding any other provision of this title, to provide reinsurance, to the maximum extent practicable, upon such terms and conditions as the Board may determine to be consistent with subsections (a) and (b) of this section and sound reinsurance principles, to insurers including private insurance companies or pools of such companies, reinsurers of such companies, or State or local governmental entities, including any political subdivisions thereof, that insure producers of any agricultural commodity under a plan or plans acceptable to the Corporation. A test program of such reinsurance shall be made available, to the maximum extent possible, to begin not later than with the 1982 crops. In order to provide equity among producers purchasing crop insurance, whenever the Corporation provides reinsurance under this subsection to any such insurers, the Corporation shall pay a portion of each producer's premium for such insurance so reinsured. Each such payment shall cover the same per centum of the premium, and be subject to the same restrictions regarding payments of premiums for crop insurance on commodities, as provided in subsection (b) of this section for Federal partial payments of Federal crop insurance premiums. The Corporation shall also pay operating and administrative costs to insurers of policies on which the Corporation provides reinsurance to the same extent that such costs are covered by the Corporation on the Corporation's policies of insurance. Insurers of policies on which reinsurance is provided shall make use of licensed private insurance agents and brokers on the same basis as provided for policies of the Corporation under section 507(c)(3) of this title, except that the provisions for compensating

agents and brokers from premiums paid by the insured shall not apply.

"(f) To provide insurance or reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands in the same manner as provided in this section for production of agricultural commodities in the United States.

"(g) To offer specific risk protection programs including, but not limited to, prevented planting, wildlife depredation, tree damage and disease, and insect infestation programs under such terms and conditions as the Board may determine: *Provided*, That no program may be undertaken if insurance for the specific risk involved is generally available from private companies.

"(h) To include appreciation (including interest charges) as an insurable cost of production in calculating premiums and indemnities in connection with insurance on yields of timber and forests."

#### RESEARCH, SURVEYS, AND PILOT PROGRAMS

SEC. 107. (a) Section 506(h) of the Federal Crop Insurance Act is amended to read as follows:

"(h) shall assemble data for the purpose of establishing sound actuarial bases for insurance on agricultural commodities."

(b) Section 508 of the Federal Crop Insurance Act is amended by adding a new subsection (i) as follows:

"(i) To conduct research, surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses including, but not limited to, insurance on losses involving reduced forage on rangeland caused by drought and by insect infestation, livestock poisoning and disease, destruction of bees due to the use of pesticides, and other unique problems of special risk related to, but not limited to, fruits, nuts, vegetables, aquacultural species, forest industry needs (including appreciation), and other agricultural products as determined by the Board: *Provided*, That no such programs may be undertaken if insurance protection against such risks is generally available from private companies. Beginning in the 1981 crop year and ending after the 1985 crop year, the Corporation shall also conduct a pilot program of individual risk underwriting of crop insurance in not less than twenty-five counties. Under this pilot program, to the extent that appropriate yield data are available, the Corporation shall make available to producers in such counties crop insurance under this title based on personalized rates and with guarantees determined from the producer's actual yield history. After the completion of any pilot program under this subsection, the Corporation shall evaluate the pilot program and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report of the operations of the pilot program, including its evaluation of the pilot program and its recommendations with respect to implementing the program on a national basis."

#### DELETION OF AUTHORITY FOR ADVISORY COMMITTEES

SEC. 108. Section 515 of the Federal Crop Insurance Act is repealed.

#### APPROPRIATIONS FOR OPERATING AND ADMINISTRATIVE EXPENSES

SEC. 109. Effective October 1, 1980, section 516(a) of the Federal Crop Insurance Act is amended to read as follows:

"Sec. 516. (a) There are hereby authorized to be appropriated such sums as may be necessary to cover the operating and administrative costs of the Corporation, including

agents' and brokers' commissions, interest on Treasury notes and other obligations, partial premium payments by the Corporation, and the direct cost of loss adjusters for crop inspections and loss adjustments, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine. Expenses in connection with agents' and brokers' commissions, interest on Treasury notes and other obligations, partial premium payments by the Corporation, and the direct cost of loss adjusters for crop inspections and loss adjustments may be paid from premium income and other Corporation funds, and any such payments may be restored by appropriations in subsequent years. The Corporation may not employ more than two hundred additional permanent full-time employees, in excess of the number of full-time employees employed by the Corporation on the effective date of the Federal Crop Insurance Act of 1980, to implement the provisions of this title, except in the case of, and only during, emergencies."

#### EMERGENCY FUNDING IN CASE OF INSUFFICIENCY

SEC. 110. Effective October 1, 1980, section 516 of the Federal Crop Insurance Act is amended by adding new subsections (c) and (d) as follows:

"(c) (1) If at any time the moneys available to the Federal Crop Insurance Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation may, upon majority vote of its Board of Directors, request the Secretary of Agriculture to use the funds of the Commodity Credit Corporation to make timely payment of indemnities to producers. Upon receiving such a request, the Secretary of Agriculture may use the funds of the Commodity Credit Corporation to meet obligations to indemnify producers for losses under this title. The Secretary's authority to use the funds of the Commodity Credit Corporation for the purposes of this subsection shall expire one year after the date on which the authority is first used.

"(2) The authority to make commitments under this subsection, in excess of funds available to the Commodity Credit Corporation under section 4 of the Commodity Credit Corporation Charter Act and the Act of October 11, 1978 (92 Stat. 1073), shall be effective for any fiscal year only to the extent provided by appropriation Acts.

"(d) Except as provided in subsection (c), if at any time the moneys available to the Federal Crop Insurance Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this title, the Corporation may issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Corporation from moneys available from premiums or the issuance of capital stock under section 504 of this title. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, which shall be not less than a rate determined by taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obliga-

tions. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by the Secretary of the Treasury under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. The borrowing authority provided for in this subsection may be exercised by the Corporation only to such extent or in such amounts as are provided in appropriation Acts."

#### AGRICULTURAL COMMODITY

SEC. 111. Section 518 of the Federal Crop Insurance Act is amended to read as follows:

"Sec. 518. 'Agricultural commodity', as used in this title, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugar cane, tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, potatoes, timber and forests, nursery crops, citrus, and other fruits and vegetables, nuts, tame hay, native grass, aquacultural species (including, but not limited to, any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant propagated or reared in a controlled or selected environment), or any other agricultural commodity, excluding livestock and stored grain, determined by the Board under subsection (a) or (1) of section 508 of this title, or any one or more of such commodities, as the context may indicate."

#### EFFECTIVE DATE

SEC. 112. Except as otherwise provided in this Act, the provisions of this Act amending the Federal Crop Insurance Act shall become effective on the date of enactment of this Act.

#### TITLE II—DISASTER PAYMENTS

##### PREVENTED PLANTING DISASTER AND FARM DISASTER PAYMENTS FOR 1981 CROPS

SEC. 201. (a) Section 101(h)(4) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of rice, is amended by—

(1) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of rice," and inserting in lieu thereof "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice,";

(2) in subparagraph (C), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of rice," and inserting in lieu thereof "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice,"; and

(3) redesignating subparagraph (D) as subparagraph (E) and inserting immediately after subparagraph (C) a new subparagraph (D) as follows:

"(D) With respect to the 1981 crop of rice, cooperators on a farm shall not be eligible for disaster payments under this paragraph if the cooperators elect to cover the rice acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act."

(b) Section 103(f)(5) of the Agricultural Act of 1949, as added effective for the 1978 through 1981 crops of upland cotton, is amended by—

(1) in subparagraph (A), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of upland cotton," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton,";

(2) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979,

and 1980 crops of upland cotton," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton,"; and

(3) adding at the end thereof a new subparagraph (C) as follows:

"(C) With respect to the 1981 crop of upland cotton, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the upland cotton acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act."

(c) Section 105A(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of feed grains, is amended by—

(1) in subparagraph (A), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of feed grains," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of feed grains,";

(2) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of feed grains," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of feed grains,"; and

(3) redesignating subparagraph (C) as subparagraph (D) and inserting immediately after subparagraph (B) a new subparagraph (C) as follows:

"(C) With respect to the 1981 crop of feed grains, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the feed grain acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act."

(d) Section 107(A)(b)(2) of the Agricultural Act of 1949, as added effective for the 1977 through 1981 crops of wheat, is amended by—

(1) in subparagraph (A), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of wheat," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of wheat,";

(2) in subparagraph (B), striking out "Effective only with respect to the 1978, 1979, and 1980 crops of wheat," and inserting in lieu thereof "Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of wheat,"; and

(3) redesignating subparagraph (C) as subparagraph (D) and inserting immediately after subparagraph (B) a new subparagraph (C), as follows:

"(C) With respect to the 1981 crop of wheat, producers on a farm shall not be eligible for disaster payments under this paragraph if the producers elect to cover the wheat acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3), or 508(e) of the Federal Crop Insurance Act."

**NOTICE TO PRODUCERS OF RIGHT TO ELECT SUBSIDIZED CROP INSURANCE OR DISASTER PAYMENTS ON THE 1981 CROPS**

SEC. 202. The Secretary of Agriculture, after consultation with the Board of Directors of the Federal Crop Insurance Corporation, shall, at least sixty days prior to the beginning of the planting of the 1981 crops of wheat, feed grains, upland cotton, and rice, or thirty days after the date of enactment of this Act, whichever is the later, notify producers of those commodities of their right to elect, with respect to the 1981 crop, between

(1) declaring the farm acreage of the respective commodity eligible for disaster payments under the Agricultural Act of 1949, or

(2) covering such farm acreage with crop insurance, part of the premium for which is paid by the Federal Crop Insurance Corporation under the provisions of section 508(b)(3) or 508(e) of the Federal Crop Insurance Act. Such notice shall include a statement of the percent of crop insurance premium that will be paid by the Corporation.

And the House agree to the same.

THOMAS S. FOLEY,  
ED JONES,  
TOM HARKIN,  
JERRY HUCKABY,  
DAN GLICKMAN,  
GEORGE E. BROWN, JR.,  
FRED RICHMOND,  
ALVIN BALDUS,  
LEON E. PANETTA,  
THOMAS A. DASCHLE,  
BILL WAMPLER,  
EDWARD MADIGAN,  
JAMES M. JEFFORDS,  
RON MARLENEE,

*Managers on the Part of the House.*

HERMAN A. TALMADGE,  
GEORGE MCGOVERN,  
WALTER D. HUDDLESTON,  
DICK STONE,  
EDWARD ZORINSKY,  
JESSE HELMS,  
DICK LUGAR,  
THAD COCHRAN,

*Managers on the Part of the Senate.*

**JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1125) to improve and expand the Federal crop insurance program, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The differences between the Senate bill and the House amendment and the substitute agreed to in the conference are noted in the following outline, except for conforming, clarifying, and technical changes:

**(1) MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE FEDERAL CROP INSURANCE CORPORATION**

Both the Senate bill and the House amendment increase the membership of the Board of Directors (hereinafter referred to as the "Board") of the Federal Crop Insurance Corporation (hereinafter referred to as the "Corporation") from five to seven persons.

(a) The Senate bill provides that the Board will be composed of—

(i) three persons from the Department of Agriculture—the manager of the Corporation, the Under Secretary or Assistant Secretary of Agriculture responsible for the Federal crop insurance program, and the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture;

(ii) a person (not a Federal Government employee) who is experienced in the crop insurance business; and

(iii) three farmers who are not Federal Government employees.

The House amendment provides that the Board will be composed of—

(i) three persons from the Department of Agriculture—the manager of the Corporation and two employees of the Department (the House amendment does not specify their positions in the Department);

(ii) two persons (not Federal Government employees) who are experienced in the crop insurance business; and

(iii) two farmers who are not Federal Government employees.

The conference substitute adopts the Senate provision.

(b) The House amendment requires that the farmer members be active farmers and policyholders.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision.

**(2) SUITS BY OR AGAINST THE FEDERAL CROP INSURANCE CORPORATION**

(a) The Senate bill deletes a provision in existing law generally authorizing suits by or against the Corporation in any State court having general jurisdiction. It also provides that any suit against the Corporation in the Federal courts must be brought in the District of Columbia or the district in which the plaintiff resides or is engaged in business.

The House amendment contains no comparable provision.

The conference substitute adopts the Senate provision.

(b) The Senate bill deletes a provision in existing law specifically authorizing persons to bring actions against the Corporation to recover indemnity claims denied by the Corporation in any State court of general jurisdiction sitting in the district or county in which the insured's farm is located, thereby limiting jurisdiction over such actions to the United States district court for the district in which the insured farm is located.

The House amendment contains no comparable provision.

The conference substitute adopts the Senate provision.

**(3) AUTHORITY OF THE FEDERAL CROP INSURANCE CORPORATION TO ENTER INTO CONTRACTS AND AGREEMENTS**

The House amendment provides that State and local laws or rules will not apply to contracts or agreements of the Corporation or the parties thereto to the extent that the contracts or agreements so provide or to the extent that State and local laws are inconsistent with such contracts or agreements.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision.

**(4) USE OF PRIVATE INSURANCE COMPANIES AND AGENTS**

(a) The Senate bill provides that, in administering the Federal Crop Insurance Act, the Board may—

(i) establish or use committees or associations of producers; and

(ii) contract with private insurance companies.

The House amendment provides that, in administering the Act, the Board shall, to the maximum extent possible—

(i) establish or use committees or associations of producers;

(ii) contract with private insurance companies; and

(iii) encourage the sale of Federal crop insurance through licensed private insurance agents and brokers, and give the insured the right to renew the insurance for successive terms through such agents and brokers.

The conference substitute adopts the House provision. The conferees intend that the authority to contract with private insurance companies not be used to make any one insurance company the exclusive selling or servicing agent or underwriter for Federal crop insurance.

(b) The Senate bill provides that the Board may make payments to private insurance companies with which it has contracted to cover their administrative and program expenses.

The House amendment provides that the Board shall, to the maximum extent possible, reimburse private insurance companies for administrative and program expenses incurred by them under terms and provisions and rates of compensation consistent with those generally prevailing in the industry.

The conference substitute adopts the House provision.

(c) The House amendment provides that the Board shall, to the maximum extent possible, provide agents and brokers reasonable compensation for sales and renewals of Federal crop insurance, recognizing their function to provide continuing service while the insurance is in effect.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision with a modification clarifying that compensation for agents and brokers will be made from premiums paid by farmers for crop insurance coverage, but that agent and broker compensation will not be included in computing premium rates.

(d) The House amendment requires the Board to provide agents and brokers indemnification (including costs and reasonable attorney fees) for errors or omissions by the Corporation or its contractors for which the agent or broker is held liable, except to the extent the agent or broker caused the error or omission.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision.

#### (5) USE OF RESOURCES

The House amendment encourages the Board to use the resources of (1) the Soil Conservation Service in assisting in land classification of risk and production capability and in developing acceptable conservation practices; (2) the Forest Service in assisting in the development of a timber insurance plan; (3) the Agricultural Stabilization and Conservation Service in assisting in the determination of individual producer yields and in serving as a local contact point for farmers; and (4) other Federal agencies in any way the Board deems necessary.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision. It is the intent of the conferees that this provision not be used as authority for requiring the adoption of conservation measures developed by the Soil Conservation Service or other governmental agencies as a condition for obtaining Federal crop insurance coverage or receiving indemnities for losses. However, the conferees understand that, under existing law, losses due to the failure of a farmer to follow established good farming practices are not covered by Federal crop insurance and that the Corporation now considers, and will continue to consider the conservation measures present on a farm in determining the risk to be covered and the premium to be charged for the farm.

#### (6) EXPANSION OF THE FEDERAL CROP INSURANCE PROGRAM

(a) The Senate bill deletes, effective with respect to the 1980 and subsequent crops, the limitations in existing law on the number of commodities and counties that may be covered by the Federal crop insurance program and the limitation on the number of counties in which reinsurance of private insurance companies may be offered.

The House amendment deletes the same provisions effective with respect to the 1981 and subsequent crops.

The conference substitute adopts the House provision.

(b) The House amendment provides that insurance covering aquacultural species will be exempt from the requirement that Federal crop insurance not extend beyond the period that the insured commodity is in the field.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision by clarifying that, with respect to aquacultural species, the phrase "in the field" means in the environment in which the aquacultural species is produced.

#### (7) EXTENT OF FEDERAL CROP INSURANCE COVERAGE

(a) The Senate bill requires that any Federal crop insurance protecting against loss in yield must make available to producers (1) coverage for 75 percent of the recorded or appraised average yield for the farm on the commodity insured and, (2) in addition, lesser levels of yield coverage.

The House amendment requires that a minimum of three levels of yield coverage be provided: 50 percent, 65 percent, and 75 percent of the recorded or appraised average yield; and in addition, the House amendment requires the Corporation to offer other levels of yield coverage (not in excess of 75 percent of average yield) to be selected by the producer.

The conference substitute adopts the Senate provision with a modification requiring the Corporation to offer coverage for 50 percent of average yield as one of the lesser levels of yield coverage (and making it clear that the Corporation could not offer coverage in excess of 75 percent of average yield).

(b) Both the Senate bill and House amendment retain existing law, which requires that yield coverage be based on the producer's yield for a representative period, subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just.

The House amendment, however, adds a requirement that yield coverage also be offered based on the actual five-year production history for the farm, if available, and if not, on the average for the county in which the farm is located.

The Senate bill contains no comparable provision.

The conference substitute deletes the House provision.

(c) The Senate bill requires that Federal crop insurance make available coverage (per unit of production) equal to the highest of—

- (i) the applicable target price for the commodity involved, if any;
- (ii) the applicable loan rate for the commodity involved, if any; or
- (iii) the projected market price for the commodity involved.

The Corporation would also be required to make available to producers lesser price selections per unit of production.

The House amendment requires that one of the price elections offered must approximate (but be not less than 90 percent of) the projected market price for the commodity involved.

The conference substitute adopts the House provision.

(d) The Senate bill provides that Federal crop insurance will not cover losses due to failure of the producer to reseed to the same crop or an approved substitute crop where it is customary to reseed.

The House amendment retains existing law under which the exclusion of coverage is limited to losses due to failure of the producer to reseed to the same crop.

The conference substitute deletes the Senate provision.

#### (8) FEDERAL CROP INSURANCE PREMIUMS

(a) The House amendment provides that producers may elect to have deleted from Federal crop insurance policies coverage against hail and fire risks and obtain equivalent hail and fire coverage from a private insurer; and that, for any producer who makes such election, the Federal crop insurance premium will be reduced by 25 percent, but not to exceed the premium for the substitute coverage.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision with a modification relating to the determination of the amount of the premium reduction.

Under the modification, the Federal crop insurance premium for a farmer who elects to obtain hail and fire coverage from a non-federal insurer (including a State operated program) would be reduced by an amount equal to 40 percent of the prevailing average county insurance premium charged by non-federal insurers for full coverage hail and fire insurance that provides the same amount of protection as would have been provided under the Federal crop insurance policy. However, a farmer's premium could not be reduced by less than 15 percent, nor more than 30 percent, of the full cost of Federal crop insurance coverage. In no event could the premium be reduced by an amount that exceeds the premium charged by the non-federal insurer for comparable coverage. Any premium reduction in excess of the portion of the premium that the Corporation determines would have been necessary for the Corporation to charge in order to cover indemnities actually paid by non-federal insurers for hail and fire coverage deleted from the Corporation's policy of insurance would be regarded as a premium paid by the Corporation.

(b) The Senate bill provides that the Corporation must provide a subsidy (of not less than 20 percent nor more than 40 percent, as determined by the Board) of each producer's premium, the amount of the subsidy to be applied uniformly among producers regardless of the percent of average production covered or price selection chosen.

The House amendment provides for a subsidy of 30 percent of each producer's premium on that portion of each policy insuring up to a maximum of 65 percent of yield.

The conference substitute adopts the House provision.

(c) Both the Senate bill and House amendment provide that any producer of 1981 crop wheat, feed grains, upland cotton, or rice shall not be eligible to receive a premium subsidy from the Corporation if he elects to make his acreage eligible for disaster payments under the Agricultural Act of 1949.

The Senate bill provides that any such producer who elects to make his acreage eligible for disaster payments may purchase Federal crop insurance for the commodity at the full cost of the premium.

The House amendment contains no comparable provision.

The conference substitute adopts the Senate provision.

(d) The House amendment provides that States and State agencies may provide additional premium subsidies to reduce further the cost of insurance to farmers.

The Senate bill contains no comparable provision.

The conference substitute adopts the House provision.

(e) The House amendment provides that operators of small farms may receive an additional or graduated premium subsidy. Eligibility for classification as a small farm would be based on the maximum potential exposure of the Corporation on all commodities eligible for insurance at a limit determined by the Board.

The Senate bill contains no comparable provision.

The conference substitute deletes the House provision.

#### (9) PAYMENT AND ADJUSTMENT OF CROP INSURANCE CLAIMS

The Senate bill changes existing law under which indemnity claims may be paid either in cash or in the commodity by deleting authority for indemnity claims to be paid in the commodity. The Senate bill also deletes authority in existing law for determining the indemnity on the same price basis at which the premium is calculated.

The House amendment contains no comparable provision.

The conference substitute adopts the Senate provision.

## (10) DELETION OF THE AUTHORITY OF THE FEDERAL CROP INSURANCE CORPORATION TO PURCHASE AGRICULTURAL COMMODITIES

The *Senate* bill deletes from existing law a provision that authorizes the Corporation to purchase, handle, store, insure, provide storage facilities for, and sell agricultural commodities.

The *House* amendment contains no comparable provision.

The *conference substitute* adopts the *Senate* provision.

## (11) REINSURANCE

(a) The *Senate* bill authorizes the Corporation to reinsure private insurance companies and government entities that provide crop insurance to farmers under contracts acceptable to the Corporation.

The *House* amendment directs the Corporation to provide such reinsurance, to the maximum extent practicable, to private insurance companies, reinsurers of such companies, and State or local government entities.

The *conference substitute* adopts the *House* provision.

(b) The *House* amendment requires the Corporation to make available a test program of reinsurance, to the maximum extent possible, to begin not later than with the 1982 crops.

The *Senate* bill contains no comparable provision.

The *conference substitute* adopts the *House* provision.

(c) The *House* amendment requires the Corporation to pay operating and administrative costs to insurers of policies that are reinsured to the same extent that such costs are covered by the Corporation's policies of insurance.

The *Senate* bill contains no comparable provision.

The *conference substitute* adopts the *House* provision.

(d) The *House* amendment requires insurers of policies on which reinsurance is provided to make use of licensed private agents and brokers on the same basis as provided for the crop insurance policies of the Corporation.

The *Senate* bill contains no comparable provision.

The *conference substitute* adopts the *House* provision.

## (12) TRUST TERRITORY OF THE PACIFIC ISLANDS

The *House* amendment authorizes the Corporation to provide crop insurance or reinsurance of agricultural commodities in the Trust Territory of the Pacific Islands in the same manner as for producers in the United States.

The *Senate* bill contains no comparable provision.

The *conference substitute* adopts the *House* provision.

## (13) INSURANCE ON TIMBER AND FORESTS

The *Senate* bill provides that appreciation (including interest charges) may be included as an insurable cost of production in calculating premiums and indemnities for insurance on yields of timber and forests.

The *House* amendment contains no comparable provision.

The *conference substitute* adopts the *Senate* provision.

## (14) PROGRAM FUNDING

(a) Effective October 1, 1980, the *Senate* bill deletes the provision in existing law limiting annual appropriations for the Corporation's expenses to \$12 million, and, in lieu thereof, generally authorizes appropriations to cover the Corporation's operating and administrative expenses.

Effective on enactment of the bill, the *House* amendment also deletes the \$12 million limitation and generally authorizes appropriations to cover the Corporation's operating and administrative expenses, but

specifically includes, as an expense item to be covered by such appropriations, interest on Treasury notes and other obligations.

The *conference substitute* adopts the *House* provision with a modification making it effective October 1, 1980.

(b) The *Senate* bill provides that expenses in connection with agents' commissions and the direct costs of loss adjusters may be paid from insurance premium funds, which payments may later be restored to the Corporation by appropriations.

The *House* amendment provides that such expenses may be paid from premium income and other Corporation funds, and in addition, provides that expenses in connection with the purchase, transportation, handling, or sale of agricultural commodities, interest on Treasury notes and other obligations, and Federal premium payments may be paid from premium income and other Corporation funds. Payments for any such expenses may be restored by appropriations in subsequent years.

The *conference substitute* adopts the *House* provision with a modification deleting the authority for such payment of expenses in connection with the purchase, transportation, handling, or sale of agricultural commodities. The *conference substitute* deletes authority under existing law for the Corporation to purchase, transport, handle, and sell agricultural commodities (see item 10).

## (15) LIMITATION ON ADDITIONAL FEDERAL CROP INSURANCE CORPORATION EMPLOYEES

The *House* amendment limits the number of additional permanent full-time personnel that the Corporation may hire to implement the bill (except in the case of emergencies) to not more than 200 personnel in addition to those employed by the Corporation on the effective date of the bill.

The *Senate* bill contains no comparable provision.

The *conference substitute* adopts the *House* provision.

## (16) BORROWING AUTHORITY

The *Senate* bill authorizes the Secretary of Agriculture to use funds of the Commodity Credit Corporation to indemnify producers for losses, and otherwise in discharging the responsibilities of the Federal Crop Insurance Corporation whenever the Federal Crop Insurance Corporation's funds are insufficient to cover other program expenses. The *Senate* bill provides that the authority of the Secretary to make commitments of Commodity Credit Corporation funds under the bill in excess of the \$20 billion now available to the Commodity Credit Corporation to carry out its functions will be effective only to the extent provided by appropriation Acts.

The *House* amendment provides that, if Federal Crop Insurance Corporation funds are insufficient to discharge its responsibilities for indemnifying producers for losses, the Corporation must borrow from, and issue notes or other obligations to, the Secretary of the Treasury. The obligations will bear interest at rates not less than the cost of money to the Government (for obligations of comparable maturity) during the month preceding their date of issuance. The obligations would be redeemed with money available from premium funds or the issuance of capital stock of the Corporation. The *House* amendment provides that the authority of the Federal Crop Insurance Corporation to borrow from the Treasury may be exercised only to the extent provided for in appropriation Acts.

The *conference substitute* adopts both the *Senate* and *House* provisions with modifications.

Under the modification of the *Senate* provision, the Secretary of Agriculture could use the funds of the Commodity Credit Corporation only to meet obligations of the Federal Crop Insurance Corporation to indemnify producers for losses and only after

the Federal Crop Insurance Corporation has, by a majority vote of its Board, requested the use of such funds to make timely payment of indemnities to producers. The authority of the Secretary to use Commodity Credit Corporation funds would expire one year after the date on which the authority is first used.

Under the modification of the *House* provision, the Federal Crop Insurance Corporation would be authorized, but not required, to borrow from, and issue notes and other obligations to, the Secretary of the Treasury as necessary to meet its obligations to indemnify producers for losses.

## (17) SUNSET PROVISION

The *House* amendment provides that, effective October 1, 1983, appropriations and borrowings from the Treasury for the Federal crop insurance program may not exceed such amounts as may be authorized by law after the date of enactment of the bill.

The *Senate* bill contains no comparable provision.

The *conference substitute* deletes the *House* provision.

## (18) PILOT PROGRAMS

(a) The *Senate* bill requires the Corporation to conduct a pilot program of individual risk underwriting of crop insurance in at least 25 counties during the period beginning with the 1981 crops and ending with the 1985 crops. Crop insurance under the pilot program will be based on personalized rates and actual yield history, to the extent that appropriate yield data are available.

The *House* amendment authorizes the Corporation to conduct research surveys, pilot programs, and investigations relating to crop insurance and agriculture-related risks and losses, including insurance on losses from reduced forage on rangeland resulting from drought and insect infestation, livestock poisoning and disease, destruction of bees from pesticides, and other unique problems of special risk related to fruits, nuts, vegetables, aquacultural species, forest industry needs (including appreciation), and other agricultural products. Such programs could be undertaken only if insurance protection against such risks is not generally available from private companies.

The *conference substitute* adopts both the *Senate* and *House* provisions.

(b) The *Senate* bill provides that, upon completion of the pilot program of individual risk underwriting, the Corporation must submit to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture a report on the pilot program and make recommendations on implementing a program of individual risk underwriting on a national basis.

The *House* amendment requires the Corporation to report annually to Congress the results of each pilot program and prohibits the Corporation from expanding beyond a pilot program without approval of the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry.

The *conference substitute* adopts the *Senate* provision and makes it applicable to all pilot programs authorized under the bill.

## (19) DEFINITION OF AGRICULTURAL COMMODITY

The *House* amendment changes the definition of "agricultural commodity" to exclude livestock and stored grain and to add to those commodities specifically included by name in the definition the following: tomatoes, grain sorghum, sunflowers, raisins, oranges, sweet corn, dry peas, freezing and canning peas, forage, apples, grapes, nursery crops, nuts, native grass, and aquacultural species.

The *Senate* bill contains no comparable provision.

The *conference substitute* adopts the *House* provision.

(20) NOTIFICATION TO PRODUCERS OF THE 1981 CROP OF THEIR RIGHT TO ELECT BETWEEN DISASTER PAYMENTS OR SUBSIDIZED CROP INSURANCE

The *Senate* bill requires the Secretary of Agriculture, after consultation with the Board, to notify producers of wheat, feed grains, upland cotton, and rice, at least sixty days prior to the beginning of the 1981 crop year, of their right to elect, with respect to the 1981 crop, between declaring their acreage of the commodity eligible for disaster payments under the Agricultural Act of 1949 or covering their acreage with crop insurance part of the premium for which is paid by the Corporation. The notice must state the percent of premium to be paid by the Corporation.

The *House* amendment contains no comparable provision.

The *conference substitute* adopts the *Senate* provision with a modification requiring that notification be given at least sixty days prior to the beginning of the planting of the 1981 crops of the respective commodities or thirty days after the enactment of the bill, whichever is later.

(21) SPECIAL DISASTER PROGRAM

The *Senate* bill authorizes a special disaster payment program for the 1979 crops for producers of wheat, feed grains, upland cotton, and rice. The Secretary of Agriculture would be required to make a special disaster payment under the program if the Secretary determined that, as a result of drought, flood, or other natural disaster, or other condition (including inadequate fuel) beyond the control of the producers on a farm (or, in the case of rice, persons involved in producing rice on a farm), the producers on a farm (1) were prevented from planting any portion of the acreage intended for the commodity to the commodity (or, in the case of rice, any portion of the acreage allotments of producers on the farm or the farm acreage allotment to rice) and (2) planted another non-conserving crop on such acreage.

Under the provisions of the *Senate* bill, each such special disaster payment would be in an amount calculated by multiplying—

(a) the number of acres so affected (but, in the case of wheat, feed grains, and upland cotton, not to exceed the acreage planted to the commodity for harvest in the 1978 crop year, including any acreage that the producers were prevented from planting to the commodity or other nonconserving crops in lieu of the commodity because of drought, flood, or other natural disaster, or other condition beyond their control), by

(b) 75 percent of the yield established for the farm under the price support program, by

(c) 15 percent of the target price for the commodity for the 1979 crop year.

The *House* amendment contains no comparable provision.

The *conference substitute* deletes the *Senate* provision.

JERRY HUCKABY,  
DAN GLICKMAN,  
GEORGE E. BROWN, JR.,  
FRED RICHMOND,  
ALVIN BALDUS,  
LEON E. PANETTA,  
THOMAS A. DASCHLE,  
BILL WAMPLER,  
EDWARD MADIGAN,  
JAMES M. JEFFORDS,  
RON MARLENEE,

*Managers on the Part of the House.*

HERMAN E. TALMADGE,  
GEORGE MCGOVERN,  
WALTER D. HUDDLESTON,  
DICK STONE,  
EDWARD ZORINKY,  
JESSE HELMS,  
DICK LUGAR,  
THAD COCHRAN,

*Managers on the Part of the Senate.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANTHONY (at the request of Mr. WRIGHT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders 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. DICKINSON, for 5 minutes, today.

Mr. KEMP, for 30 minutes, today.

Mr. BAUMAN, for 30 minutes, today.

Mr. GREEN, for 10 minutes, today.

Mr. PORTER, for 10 minutes, today.

Mrs. SNOWE, for 5 minutes, today.

(The following Member (at the request of Mr. GREEN) to revise and extend his remarks and include extraneous material:)

Mr. DERWINSKI, for 5 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks, and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. DANIELSON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. LUNDINE, prior to the vote on the conference report on H.R. 5192, Education Amendments of 1980.

Mr. RATCHFORD, to revise and extend following the amendment to be offered by Mr. PEPPER and the gentleman from Kentucky on DMSO.

Mr. SANTINI, immediately preceding the vote on the Walgren amendment to H.R. 7036.

Mr. BROWN of California, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,179.

(The following Members (at the request of Mr. CLINGER) and to include extraneous matter:)

Mr. DUNCAN of Tennessee.

Mr. GREEN.

Mr. COUGHLIN in two instances.

Mr. BROYHILL.

Mr. DERWINSKI.

Mr. ROYER.

Mr. DOUGHERTY.

Mr. MICHEL.

Mr. FORSYTHE.

Mr. SHUSTER.

Mr. GILMAN in two instances.

Mr. BEREUTER.

Mr. EVANS of Delaware.

Mr. KEMP in two instances.

Mr. PORTER.

Mr. BEARD of Tennessee.

Mr. WYDLER.

Mr. DORNAN in three instances.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. DODD.

Mr. STOKES.

Mr. WOLFF.

Mr. MAZZOLI in two instances.

Mr. DINGELL.

Mr. BRADEMAS in five instances.

Mr. OTTINGER.

Mr. BENJAMIN in two instances.

Mr. FAZIO.

Mr. MUSTO.

Mr. SANTINI in two instances.

Mr. RAHALL.

Mr. GIBBONS.

Mr. BONKER.

Mr. BOLAND.

Mr. FORD of Michigan.

Mr. MINISH.

Mrs. CHISHOLM in two instances.

Mr. GUARINI.

Mr. CAVANAUGH in three instances.

Mr. DANIELSON.

Mr. FUQUA in six instances.

Mr. NOWAK.

Mr. LUKEN.

Mr. CHAPPELL in three instances.

Mr. SWIFT.

Mr. HAWKINS.

Mr. DUNCAN of Oregon in four instances.

Mr. FISHER.

Mr. MAVROULES.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1391. An act to amend section 9 of the National Climate Program Act to extend the authorization for appropriations for fiscal years 1981, 1982, and 1983; to the Committee on Science and Technology;

S. 1953. An act to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Louis L'Amour; to the Committee on Banking, Finance and Urban Affairs;

S. 2483. An act to amend title 28 of the United States Code to request the Chief Justice of the United States to give an annual address to the Congress on the state of the judiciary; to the Committee on the Judiciary and the Committee on Rules; and

S. 2566. An act to authorize the Administrator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes; to the Committees on Armed Services and Government Operations.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 390. An act to expedite and reduce the cost of antitrust litigation, and for other purposes.

ENROLLED BILLS SIGNED

Mr. NEDZI, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the

following titles, which were thereupon signed by the Speaker:

H.R. 1781. An act to amend title 5, United States Code, to provide that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement, and for other purposes;

H.R. 1967. An act to modify the boundary of the White River National Forest in the State of Colorado; and

H.R. 7072. An act to amend sections 5702 of title 5, United States Code, to increase the maximum rates for per diem and actual subsistence expenses and mileage allowances of Government employees on official travel, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. NEDZI, from the Committee on House Administration, reported that that committee did on August 27, 1980, present to the President, for his approval, bills of the House of the following title:

H.R. 5168. An act to extend certain expiring provisions of law relating to personnel management of the Armed Forces, to provide a variable housing allowance for members of the uniformed services to reflect housing costs in different areas of the United States, to improve certain special and incentive pays for members of the uniformed services, and for other purposes;

H.R. 5892. An act to provide for an accelerated program of wind energy research, development, and demonstration, to be carried out by the Department of Energy with the support of the National Aeronautics and Space Administration and other Federal agencies, and for other purposes; and

H.R. 6974. An act to authorize appropriations for fiscal year 1981 for procurement of aircraft, missiles, naval vessels, track combat vehicles, torpedoes, and other weapons and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1981 for civil defense, and for other purposes.

#### ADJOURNMENT TO WEDNESDAY, SEPTEMBER 3, 1980

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 118 of the 96th Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, September 3, 1980.

Thereupon (at 4 o'clock and 8 minutes p.m.), pursuant to Senate Concurrent Resolution 118, the House adjourned until Wednesday, September 3, 1980, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5194. A letter from the President of the United States, transmitting proposed amendment to the request for appropri-

tions for fiscal year 1981 for the District of Columbia (H. Doc. No. 96-364); to the Committee on Appropriations and ordered to be printed.

5195. A letter from the Acting Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice that a decision has been made to convert the protective coating maintenance function to contractor performance at Sheppard Air Force Base, Tex., pursuant to section 806 of Public Law 96-107; to the Committee on Armed Services.

5196. A letter from the Assistant Secretary of State for International Organization Affairs, transmitting various United Nations Joint Inspection Unit reports, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

5197. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Maryland: Committee on Appropriations. House Joint Resolution 601. Joint resolution making an appropriation for the International Monetary Fund for the fiscal year ending September 30, 1981 (Rept. No. 96-1263). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 776. Resolution providing for the consideration of H.R. 7765. A bill to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981 (Rept. No. 96-1264). Referred to the House Calendar.

Mr. BROOKS: Committee on Government Operations. H.R. 6686. A bill to discontinue or amend certain requirements for agency reports to Congress; with amendment (Rept. No. 96-1268). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Permanent Select Committee on Intelligence. Report in the Matter of Billy Carter (Rept. No. 96-1269). Referred to the House Calendar.

Mr. HARRIS: Committee on the Judiciary. H.R. 2170. A bill to provide for the reimbursement of legal expenses incurred by the city of Fairfax with respect to a 1971 entry and search by employees of the Federal Government (Rept. No. 96-1270). Referred to the Committee of the Whole House on the State of the Union.

Mr. D'XON: Committee on Appropriations. H.R. 8061. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes (Rept. No. 96-1271). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee of Conference. Conference report on S. 1125 (Report No. 96-1272). Ordered to be printed.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. S. 1578. A bill for the relief of Dr. Halla

Brown; with amendment (Rept. No. 96-1265). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 4033. A bill for the relief of the Jefferson County Mental Health Center, Inc., and of certain current and former employees thereof; with amendment (Rept. No. 96-1266). Referred to the Committee of the Whole House.

Mr. HARRIS: Committee on the Judiciary. H.R. 5063. A bill for the relief of James R. Thornwell; with amendments (Rept. No. 96-1267). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. PANETTA:

H.R. 8046. A bill to extend for an additional 2 years certain provisions relating to controversies involving whether individuals are employees for purposes of the employment taxes; to the Committee on Ways and Means.

By Mrs. CHISHOLM (for herself, Mr. FAUNTROY, Mr. LELAND, Mrs. COLLINS of Illinois, Mr. WALKER, Mr. WOLFF, Mr. ROSENTHAL, and Mr. BROWN of California):

H.R. 8047. A bill to provide for adjustment to refugee admission status of certain Cuban and Haitian nationals presently in the United States; to the Committee on the Judiciary.

By Mr. DERRICK:

H.R. 8048. A bill to provide that topsoll declared to be surplus property in connection with the construction of a dam by the United States may be donated to local governments, local public agencies, and private, nonprofit organizations; to the Committee on Government Operations.

By Mr. DRINAN:

H.R. 8049. A bill to amend title 18 of the United States Code to provide penalties for threats against certain persons protected by the U.S. Secret Service; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 8050. A bill to provide for demonstration projects whereby medicare patients receiving chemotherapy or radiation therapy may be housed and boarded in setting other than inpatient hospital facilities; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 8051. A bill to amend the Internal Revenue Code of 1954 to provide a reduction of individual income tax rates for 1981, 1982, and 1983; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 8052. A bill to prohibit the alteration or removal of batch identification numbers which are required to be placed on goods sold in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MATTOX (for himself, Mr. ECKHARDT, Mr. CHARLES WILSON of Texas, Mr. BROOKS, Mr. WYATT, Mr. WHITE, Mr. STENHOLM, and Mr. FROST):

H.R. 8053. A bill to provide general assistance and special impact aid to local educational agencies for the provision of educational services to undocumented alien children to whom State or local educational agencies are required, by order of any Federal court, to provide educational services or who are permitted under any such order to receive the benefits of State funds available for educational purposes; to the Committee on Education and Labor.

By Mr. PANETTA (for himself, Mr. JOHNSON of California, Mr. MINETA, Mr. COELHO, and Mr. FAZIO):

H.R. 8054. A bill to provide that certain regulations relating to ingredient labeling and advertising of wine shall not take effect unless they are amended to insure compliance by foreign producers; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 8055. A bill to amend the Fair Labor Standards Act of 1938 to raise the dollar volume test coverage of employees of enterprises engaged in commerce or the production of goods for commerce to \$750,000; to the Committee on Education and Labor.

By Mr. ROSENTHAL:

H.R. 8056. A bill to amend title 13, United States Code, to correct for undercounting in the 1980 census; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 8057. A bill to require aircraft manufacturers to remedy design and manufacturing defects in civil aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. STARK (for himself, Mr. CORMAN, and Mr. ROUSSELOT):

H.R. 8058. A bill to amend the Internal Revenue Code of 1954 with respect to the limitation on the acceleration of the accrual of taxes; to the Committee on Ways and Means.

By Mr. TAUKE:

H.R. 8059. A bill to amend the Internal Revenue Code of 1954 to provide that the maximum reduction in valuation under the special estate tax valuation for certain farm, small business etc., real property shall be increased to \$1 million and to provide an inflation adjustment for such amount; to the Committee on Ways and Means.

By Mr. DIXON:

H.R. 8061. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1981, and for other purposes.

By Mr. FINDLEY:

H. Con. Res. 425. Concurrent resolution expressing the sense of the Congress that the Secretary of State should revoke the visas of aliens arrested for certain violent or illegal activities, and that the Attorney General should order the deportation of such aliens; to the Committee on the Judiciary.

By Mr. MINISH:

H. Con. Res. 426. Concurrent resolution expressing the sense of the Congress with respect to the prompt deportation or removal from the United States of aliens who have engaged in unlawful or disorderly activities in the United States; to the Committee on the Judiciary.

By Mr. WINN:

H. Con. Res. 427. Concurrent resolution expressing the sense of Congress in opposition to excessive violence in sports; to the Committee on Interstate and Foreign Commerce.

By Mr. COURTER (for himself, Mr. BURGNER, Mr. HOPKINS, Mr. BEREU-

TER, Mr. JEFFRIES, Mr. COLLINS of Texas, Mr. DANNEMEYER, Mr. ROUSSELOT, Mr. DERWINSKI, and Mrs. HOLT):

H. Res. 777. Resolution requesting the President to furnish certain information to the House of Representatives concerning the disclosure of classified information relating to the new so-called "Stealth" technology for military aircraft; to the Committee on Armed Services.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RITTER presented a bill (H.R. 8060) for the relief of Victoria Moge, Hind Moge, Merwan Moge, and Manale Moge, which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 377: Mr. PORTER.  
H.R. 466: Mrs. BOUQUARD.  
H.R. 5225: Mr. GILMAN.  
H.R. 5496: Mr. HOWARD, Mr. MINETA, Mr. BAUMAN, Mr. GORE, and Mr. STUDDS.  
H.R. 6171: Mr. HARKIN and Mr. VENTO.  
H.R. 6981: Mr. DOWNEY and Mr. SHUMWAY.  
H.R. 7505: Mr. LUKEN.  
H.R. 7773: Mr. LLOYD and Mr. PANETTA.  
H.R. 7813: Mr. LOTT, Mr. BEVILL, Mr. GINN, Mr. ANDREWS of North Carolina, Mr. HUBBARD, Mr. HALL of Texas, Mr. JENNETTE, Mr. JEFFRIES, and Mr. WHITTAKER.  
H.R. 7860: Mr. EDWARDS of Oklahoma, Mr. GRISHAM, Mr. BURGNER, Mr. WHITTAKER, Mr. ROYER, Mr. SYMMS, and Mr. COURTER.  
H.R. 7885: Mr. COELHO, Mr. FORD of Michigan, Mr. PEPPER, Mr. NOLAN, Mr. OTTINGER, Mr. FROST, and Mr. SEIBERLING.  
H.R. 7898: Mr. MURPHY of Pennsylvania and Mr. ROBERT W. DANIEL, JR.

H.J. Res. 502: Mr. GUARINI, Mr. BONIOR of Michigan, Mr. ZABLOCKI, Mr. CORRADA, Mr. SEBELIUS, Mr. HOLLENBECK, Mr. JOHNSON of California, Mr. MAZZOLI, Mr. GREEN, Mrs. CHISHOLM, Mr. ROYER, Mr. FARY, Mr. PERKINS, and Mr. WOLFF.

H.J. Res. 511: Mr. ATKINSON, Mr. PASHAYAN, and Mr. BEVILL.

H. Con. Res. 405: Mr. HUTTO, Mr. BENJAMIN, Mr. WHITEHURST, Mr. FLIPPO, Mr. LEE, Mr. WHITTAKER, Mr. BEREUTER, Mr. HIGHTOWER, Mr. DERWINSKI, Mr. ROUSSELOT, Mr. ROE, Mrs. SPELLMAN, Mr. COLLINS of Texas, Mrs. SMITH of Nebraska, and Mr. ROSE.

H. Con. Res. 411: Mr. FISH, Mr. ROBINSON, Mr. BOLAND, Mr. PETRI, Mr. MURPHY of Pennsylvania, Mr. FORSYTHE, Mr. PATTEN, Mr. CHARLES WILSON of Texas, Mr. SCHEUER, Mr. CONTE, Mr. DOUGHERTY, Mr. DRINAN, Mr. WINN, Mr. WILLIAMS of Montana, Mr. HORTON, Mr. McDADE, Mr. WEAVER, Mr. CHAPPELL, Mr. CLEVELAND, Mr. ERDAHL, Mr. BALDUS, Mr. STUDDS, Mr. ERTEL, Mr. ALBOSTA, Mr. OBERSTAR, Mr. MOFFETT, Mr. DAVIS of Michigan, Mr. JENKINS, and Mr. McEWEN.

H. Con. Res. 412: Mr. ANDREWS of North Carolina, Mr. BEDELL, Mr. BEREUTER, Mr. BETHUNE, Mr. BROYHILL, Mr. CAMPBELL, Mr. CORRADA, Mr. DERWINSKI, Mr. DUNCAN of Tennessee, Mr. EDWARDS of Oklahoma, Mrs. FENWICK, Mr. FORSYTHE, Mr. HORTON, Mr. HUTTO, Mr. GREEN, Mr. IRELAND, Mr. JEFFORDS, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LEE, Mr. LOTT, Mr. McCORMACK, Mr. McDADE, Mr. McDONALD, Mr. MARLENEE, Mr. MITCHELL of Maryland, Mr. MURPHY of Illinois, Mr. OTTINGER, Mr. PANETTA, Mr. PORTER, Mr. RAILSBACK, Mr. RATCHFORD, Mr. ROE, Mr. SAWYER, Mr. STANGELAND, Mr. VANDER JAGT, Mr. WALKER, Mr. WHITEHURST, and Mr. WINN.

H. Res. 729: Mr. BADHAM, Mr. EDWARDS of Oklahoma, Mr. ROBERT W. DANIEL, JR., and Mr. WON PAT.

H. Res. 736: Mr. HARKIN, Mr. GILMAN, and Mr. SIMON.

## PETITIONS, ETC.

Under clause 1 of rule XXII,

418. The SPEAKER presented a petition of Steven Louis Washington, Washington, D.C., relative to redress of grievances, which was referred to the Committee on Interstate and Foreign Commerce.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6721

By Mr. YOUNG of Missouri:

—Page 73, lines 16 and 17, strike out "Administrator of the Federal Aviation Administration" and insert in lieu thereof "Secretary".

Page 73, line 18, strike out "(subject to the requirements of section 5(h) of this Act)."

Page 73, line 21, strike out "Administrator" and insert in lieu thereof "Secretary".

Page 73, line 25, strike out "Administrator" and insert in lieu thereof "Secretary".

Page 74, line 23, strike out "Administrator" and insert in lieu thereof "Secretary".

H.R. 6777

By Mr. HINSON:

—On the second page, after line 14, insert the following new section:

Sec. 2. Section 3(b) of the Council on Wage and Price Stability Act is amended—

(1) by striking out "(1)" and inserting in lieu thereof "(A)";

(2) by striking out "(2)" and inserting in lieu thereof "(B)";

(3) by inserting "(1)" after "(b)"; and

(4) by adding at the end thereof the following new paragraph:  
"(2) As a precondition for any person to impose a price increase, no officer or employee of the United States may require any person to submit, before such price increase takes effect, a notification of such price increase."