SENATE—*Tuesday, January 6, 1981*

(Legislative day of Monday, January 5, 1981)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, in whom our fathers trusted, we thank Thee for this Nation, born amid suffering, nourished in freedom and built upon faith in Thee and in Thy law. Enable us to rejoice in this day of precious memories and bright hopes, a day emblematic of representative government of free men.

Grant to each American a solemn sense of civic responsibility. Hold us firmly to all that is right and good and true. Make sacred our stewardship of power and of wealth, that both may be honorably acquired and worthily used.

Give us a part in the recovery of national purpose, the renewal of pure religion and a refined patriotism. Quicken our love of America that beyond the events of today we may see the shining glory of the Republic both as a heritage and as a trust.

In the Redeemer's name, we pray. Amen.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. I thank the Chair.

APPOINTMENT OF MAJORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS

Mr. BAKER. Mr. President, I have a resolution in respect to the appointment of majority members of the Select Committee on Ethics. I send the resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 18) appointing majority party's membership on the Select Committee on Ethics.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 18) is as follows:

S. RES. 18

Resolved, That the following shall constitute the majority party's membership on the Select Committee on Ethics:

Malcolm Wallop, Chairman; Thad Cochran, Mack Mattingly.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a moment I will have a unanimous-consent request in respect to the introduction of bills and joint resolutions and other related matters. Before I do that, however, I need to consult with the other body in respect to their intention on recessing over or adjourning.

I ask unanimous consent that I may reserve the remainder of my time under the standing order. I am prepared at this point to yield the floor so that the minority leader may be recognized, if he wishes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Senator from West Virginia.

APPOINTMENT OF THE MINORITY PARTY'S MEMBERSHIP ON THE SELECT COMMITTEE ON ETHICS FOR THE 97TH CONGRESS

Mr. ROBERT C. BYRD. Mr. President, I send a resolution to the desk appointing minority party membership on the Select Committee on Ethics and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 19) appointing minority party's membership on the Select Committee on Ethics for the 97th Congress.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 19) is as follows:

S. RES. 19

Resolved, That the following shall constitute the minority party's membership on the Select Committee on Ethics for the 97th Congress:

Mr. Heflin, Vice-Chairman; Mr. Pryor, Mr. Eagleton.

ORDER FOR CERTAIN ACTION UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that until 5 p.m. today, morning business, the introduction of bills, joint resolutions, simple resolutions, and concurrent resolutions may be transacted and statements submitted by Senators by being presented at the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have no need for my time. Unless the majority leader or Mr. CRANSTON would like some additional time I am prepared to yield it back.

Mr. BAKER. Mr. President, I yield back my time under the standing order.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The Chair, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the following Senators to the Select Committee on Intelligence: The Senator from Arizona (Mr. GOLDWATER), chairman; the Senator from Utah (Mr. GARN); the Senator from Rhode Island (Mr. CHAFEE); the Senator from Indiana (Mr. LUGAR); the Senator from Wyoming (Mr. WALLOP); the Senator from Minnesota (Mr. DURENBERGER); the Senator from Delaware (Mr. ROTH); and the Senator from New Mexico (Mr. SCHMITT).

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to section 1024 of title 15, United States Code, appoints the following Senators to the Joint Economic Committee: The Senator from Iowa (Mr. JEPSEN), vice chairman; the Senator from Delaware (Mr. ROTH); the Senator from South Dakota (Mr. ABDNOR); the Senator from Idaho (Mr. SYMMS); the Senator from Florida (Mrs. HAWKINS); and the Senator from Georgia (Mr. MATTINGLY).

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURKOWSKI). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a

period for routine morning business, not to exceed 20 minutes in length, and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 6, 1981, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution to provide for the continuation of the Joint Committee on Inaugural ceremonies and for the appointment of two additional members thereto.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN:

S. 48. A bill to amend title 10, United States Code, to provide expanded opportunities for individuals to earn education benefits based on honorable active service in the armed forces, and for other purposes; to the Committee on Veterans Affairs.

By Mr. CRANSTON (for himself and Mr. TSONGAS):

S. 49. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time commence each year on the first Sunday in March rather than the last Sunday in April; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 50. A bill to amend certain provisions of title 28, United States Code, relating to venue, and to provide for special venue provisions in cases relating to the environment; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 51. A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAYAKAWA:

S. 52. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Environment and Public Works.

S. 53. A bill to amend the Voting Rights Act of 1965 to repeal certain requirements relating to bilingual election requirements; to the Committee on the Judiciary.

S. 54. A bill to repeal the provisions of title 23, United States Code, requiring a national maximum speed limit of 55 miles per hour; to the Committee on Environment and Public Works.

By Mr. HAYAKAWA (for himself and Mr. DECONCINI):

S. 55. A bill to establish provisions governing the day and time for the election of electors of the President and Vice President; to the Committee on Rules and Administration.

S. 56. A bill to establish provisions governing the day and times for the election of electors of the President and Vice President; to the Committee on Rules and Administration.

S. 57. A bill to establish temporary provisions governing the day and times for the elections of Senators, Members of the House of Representatives, and electors of the President and Vice President; to the Committee on Rules and Administration.

S. 58. A bill to restrict the release of results from Presidential elections until all the polls are closed; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. 59. A bill to amend the Congressional Budget Act of 1974 to terminate certain existing entitlement authority and prohibit new entitlement authority, to terminate certain existing permanent budget authority and prohibit new permanent budget authority, to provide that the new budget authority can be available for outlays only for a single fiscal year, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, by unanimous consent pursuant to the order of August 4, 1977.

By Mr. BUMPERS:

S. 60. A bill to establish competitive oil and gas leasing and modify leasing procedures for onshore Federal lands; to the Committee on Energy and Natural Resources.

By Mr. SASSER:

S. 61. A bill to reduce Federal travel and consultant costs, and to improve Federal debt collection procedures; to the Committee on Governmental Affairs.

By Mr. HUDDLESTON:

S. 62. A bill for the relief of Carol Allen Gilliam; to the Committee on the Judiciary.

By Mr. RANDOLPH (for himself, Mr. HEINZ, Mr. GLENN and Mr. LUGAR):

S. 63. A bill to amend the Clean Air Act to provide compliance date extensions for steel-making facilities on a case-by-case basis to facilitate modernization; to the Committee on Environment and Public Works.

By Mr. HEFLIN:

S. 64. A bill for the relief of Mohannad Zaheer, his wife, Imbiaz Zaheer, and his sons, Eram Zaheer and Asim Zaheer; to the Committee on the Judiciary.

S. 65. A bill for the relief of Jae Sill Rim and his wife, Young Ja Rim; to the Committee on the Judiciary.

By Mr. HAYAKAWA (for himself, Mr. HELMS, Mr. LAXALT and Mr. PRESSLER):

S. 66. A bill to amend section 4067 of the Revised Statutes to define further the circumstances under which certain aliens within the United States may be treated as alien enemies; to the Committee on the Judiciary.

By Mr. BUMPERS (for himself, Mr. SIMPSON and Mr. LAXALT):

S. 67. A bill to improve and expedite the administrative process and clarify the standards for judicial review of administrative action; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 68. A bill to recognize the importance of ports and harbors to this country's economy and national defense, and the world's economy and energy self-sufficiency, and to authorize construction of harbor improvements to promote domestic commerce and to facilitate United States export of coal and other commodities; to the Committee on Environment and Public Works.

By Mr. CANNON:

S. 69. A bill to facilitate the ability of product sellers to establish product liability risk retention groups, to facilitate the ability of such sellers to purchase product liability insurance on a group basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 70. A bill for the relief of George Hook Wo Young; to the Committee on the Judiciary.

S. 71. A bill for the relief of Mrs. Araceli Gushiken; to the Committee on the Judiciary.

S. 72. A bill for the relief of Sylvester Hiongue; to the Committee on the Judiciary.

S. 73. A bill for the relief of Mrs. Tomo Kaaiakamanu; to the Committee on the Judiciary.

S. 74. A bill for the relief of John K. Karaya, Mary W. Karaya, Martin M. Z. Karaya, Peter D. Karaya, and Andrew M. Karaya; to the Committee on the Judiciary.

By Mr. WALLOP (for himself, Mr. MOYNIHAN, and Mr. CRANSTON):

S. 75. A bill to amend the Internal Revenue Code of 1954 to encourage capital investment by individuals and corporations; to the Committee on Finance.

By Mr. INOUYE:

S. 76. A bill for the relief of Sun Ok iKm, Ok Lyun Kim, Koang Hi Kim, Chin Hi Kim, Hyun Soo Kim; to the Committee on the Judiciary.

S. 77. A bill for the relief of Benjamin N. Mascarenas; to the Committee on the Judicary.

S. 78. A bill for the relief of Dr. Kenneth P. K. Ng and his wife Mrs. Wai Lin Ng; to the Committee on the Judiciary.

S. 79. A bill for the relief of Joseph Y. Quijano, his wife Marichu Larrazabal Quijano and his son, Franz Joseph Quijano and his daughter, Maria Estrella Quijano; to the Committee on the Judiciary.

S. 80. A bill for the relief of Mr. Pennisimani Mau; to the Committee on the Judiciary.

S. 81. A bill for the relief of Mr. Andres B. Pasion; to the Committee on the Judiciary.

S. 82. A bill for the relief of Arron P. K. Yung; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. HEFLIN, Mr. GOLDWATER, Mr. DURENBERGER, and Mr. TOWER):

S. 83. A bill to amend the Congressional Budget Act of 1974 to limit the level of total budget outlays in any fiscal year and to require compensation for additional costs imposed on State and local governments, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, by unanimous consent pursuant to the order of August 4, 1977.

By Mr. DOLE:

S. 84. A bill to amend title 5, United States Code, to eliminate an inequity in computing annuities of Federal law enforcement officers or firefighters; to the Committee on Governmental Affairs.

By Mr. HUDDLESTON:

S.J. Res. 10. Joint resolution to establish a Commission on Presidential Nominations;

to the Committee on Rules and Administration.

By Mr. HEFLIN:

S.J. Res. 11. Joint resolution establishing the policy with respect to the number of digits which should be used as ZIP codes or other codes used for mail delivery; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN:

S. 48. A bill to amend title 10, United States Code, to provide expanded opportunities for individuals to earn education benefits based on honorable active service in the Armed Forces, and for other purposes; to the Committee on Veterans Affairs.

GI BILL EDUCATION BENEFITS

● Mr. COHEN. Mr. President, during the 96th Congress, I was the first Member of the Senate to introduce legislation calling for a new GI bill. Today, I am reintroducing that legislation.

When I introduced S. 2020 in November of 1979, there appeared little chance that a program of educational assistance in return for military service, ended by Congress in 1976, would be reinstated. Despite the clear need, little attention had been given to the serious manpower problems which are at least partially attributable to the elimination of educational benefits.

The prospects for a return to the GI bill are much better today than they were when I proposed this measure. The Army has listed it as its top legislative priority for this Congress. The Senate Veterans' Affairs Committee held hearings last summer on my proposal and a bill introduced by my distinguished colleague from Colorado, BILL ARMSTRONG. Senator WARNER and Senator THURMOND, colleagues of mine on the Armed Services Committee, have introduced bills of their own, as has Senator CRANSTON, who chaired the Veterans' Affairs Committee in the last Congress. Finally, both the Senate and House Armed Services Committees included educational test packages in their versions of the defense authorization bill, and the two were incorporated into the conference report on that measure. They are now being implemented.

All of these actions give recognition to one important fact. Educational benefits have consistently been listed as one of the most popular incentives for joining the military. Congress' decision to eliminate the GI bill 4 years ago has been cited as one of the key factors in the perception of those in—or considering—military service that benefits are eroding.

The purpose of my bill is to provide an opportunity for individuals to earn educational benefits based on honorable service in the military. It should encourage more top-quality young men and women to enlist and reenlist in the service.

Basically the bill would provide education benefits at the same rate authorized veterans pursuing a program of education under chapter 34, title 38, United States Code.

The legislation does not require a monetary contribution from the participant as does the current veterans education assistance program (VEAP). Rather it requires something more valuable—time. Eligibility for education under this proposal begins when the member has completed 2 years of honorable service. The maximum educational benefit cannot be earned in less than 48 months.

The program is a simple one. After completing 2 years of service, a member in a critical skill or combat arms position becomes eligible for 18 months of educational assistance. Those in noncritical or noncombat arms occupations earn 12 months of educational assistance.

Benefits continue to accrue beyond the 2-year point. Those with critical skills or in combat arms will earn the maximum 36 months of benefits in 4 years. For their noncritical/noncombat arms counterparts the 36-month maximum may be earned in 6 years.

In the case of individuals choosing to serve the minimum 2-year active duty period or serving less than a full enlistment the program requires that they be transferred to the reserve forces to help alleviate reserve manpower shortages.

Further to reduce attrition figures, the bill will not, in most cases, allow military members to collect their eligibility if they fail to complete the first 2 years of their enlistment or reenlistment. This is why it is called an "earned" educational assistance program. No education benefits are earned if the service obligation is not fulfilled.

For young people sincerely interested in attaining an educational goal, the bill offers a program of assistance for services rendered. It also provides for education loans and gives the eligible veteran 10 years from the date of last discharge from active duty to complete the education earned as a result of the proposal.

The program will produce a recruiting incentive aimed directly at a desirable target group—high school graduates not in college. These are the committed, top-quality individuals that the services need to attract and retain.

While there is a cost involved in reestablishing this program of educational benefits, it is likely to provide far greater short- and long-range benefits. These go beyond the quality of our defense forces. The U.S. Treasury should reap benefits from the veterans who use the program. Testimony before the Senate Veterans' Affairs Committee in 1975 illustrated the fact that: 'Veterans using the GI bill return to the Federal Treasury more than the Nation invests in them to pay for 36 months of college."

The new GI bill I have proposed will, I hope, serve as a reflection of the commitment of Congress to those who sacrifice years of their lives to serve in the Nation's defense. We must not forget the special sacrifices made by our young men and women in uniform, whether in peacetime or in war.

VEAP does not provide adequate recognition of the efforts made by those who serve. Simply put, the program has been a failure. The reason why is clear. Its primary goal was to reduce the cost to the Government of post-service education, not to reward individuals for military service.

Unfortunately, at the same time this route has been taken to save the Government money, Federal educational assistance programs not requiring any service to the Nation has burgeoned. As Dr. Charles Moskos, the noted military sociologist, has so eloquently put it, today we have the GI bill, without the GI.

In a time when military real wages were diminishing, prior to the approval last year of several pay improvements, it is little wonder that VEAP has failed to be a recruiting incentive. And it is easy to understand why recruiters so badly want a return to the GI bill.

A recent U.S. Navy memo concluded: 'The quality high school graduate who lacked sufficient funds for a college education lost in essence a $4,000-plus enlistment bonus with the demise of the old GI bill." The memo noted that its elimination and replacement with VEAP did nothing but work against the All-Volunteer Force.

Just a few years ago, a survey of soldiers pointed out that educational benefits were the main reason for joining the Army. The old GI bill helped recruit 25 to 30 percent of the volunteers entering the Armed Forces. In December 1976, the last month for the old GI bill, a record 27,585 youths enlisted in the Army. The year before, only about half that many, 14,173, enlisted.

Organizations such as the Noncommissioned Officers Association (NCOA) warned Congress that elimination of the GI bill could have serious negative repercussions on the quality and quantity of recruits for military service. Unfortunately, as reports of this past year have reflected, this prediction has been borne out. It is time that we acknowledge the mistake we made and that we take steps to correct our earlier action.

The approach embodied in my proposal is, I think, one which will have far-ranging benefits for our young men and women considering military service, for our Armed Forces, and for the Nation itself. It will aid recruiting efforts, enhance the quality of our defense force, encourage educational advancement, and stimulate the economy. As the old GI bill did, my proposal will return far more than it will cost.

Perhaps the major difference from—and improvement of—the old GI bill is the provision that participants must serve a minimum of 2 years before they are eligible for benefits. This should help reduce the services' attrition problem. It will also insure that only committed,

qualified young men and women who have given 2 or more years in service to their country will reap the benefits of the program.

Costs will thus be reduced in two ways. The Navy has estimated that each recruit dropout represents a $7,000-plus loss. For every individual encouraged to serve a full term of enlistment or reenlistment, a substantial savings accrues. Extending the minimum service time from 6 months to 2 years for benefits eligibility will limit participation to those most deserving and will bring costs down significantly.

I believe this approach represents the direction we should be going as we seek to strengthen our military forces. And it reflects my firm belief that the Nation should give proper recognition to those who have served in their Nation's behalf. We owe them a considerable debt. Reinstating educational benefits for veterans is one small way of repaying them for their military service.

The NCOA deserves great credit for its work on this legislation. It has been in the forefront in working for a return to GI bill education benefits. I am pleased to work with NCOA in this important endeavor.

I also look forward to working with my colleagues who have introduced GI bill proposals of their own. This legislation must be a top priority of the 97th Congress. I hope we can join together to develop the best possible proposal—and to win its early approval this year.●

By Mr. CRANSTON (for himself and Mr. TSONGAS):

S. 49. A bill to amend the Uniform Time Act of 1966 to provide that daylight savings time commence each year on the first Sunday in March rather than the last Sunday in April; to the Committee on Conmmerce, Science, and Transportation.

EXTENSION OF DAYLIGHT SAVINGS TIME

Mr. CRANSTON. Mr. President, we are today introducing a bill to extend by approximately 2 months daylight savings time, commencing on the first Sunday of the first March after the bill is enacted.

This measure would save us an estimated 100,000 barrels of oil per day for 2 months, or approximately 5.6 million barrels of oil each year. In addition to, and as a result of, this huge energy savings, our bill would save more than $150 million or more for American consumers, at current oil prices.

Under present law, daylight savings time goes into effect on the last Sunday of April each year, and ends 6 months later, on the last Sunday in October.

Under our bill, daylight savings time would begin on the first Sunday in March each year and continue until the last Sunday in October.

In 1973, Congress passed the Emergency Daylight Savings Time Energy Conservation Act authorizing a 2-year experiment with year-round DST beginning in January of 1974.

Because that approach continued daylight savings time through the winter months, requiring children to go to school in the dark, there was considerable opposition to it.

During October of that year, in response to concerns expressed by both the general public and the Department of Transportation, this act was repealed. It was subsequently replaced by Public Law 93–434, to provide for 8 months of daylight savings time beginning with the last Sunday in February and ending the last Sunday in October, 1 week longer than my bill would do. The purpose of this bill is to use daylight savings time where there is more daylight. It does not require children to go to school in the dark.

Studies done by the Department of Transportation have supported the concept of 8 months of daylight savings time.

Moreover, under the underlying law, any State which so wishes may exempt itself from adopting daylight savings time.

Public Law 93–434 expired in April, 1975, returning us to a 6-month daylight savings time, although in the 94th Congress, the Senate passed by a vote of 70 to 23 S. 2391 which provided for daylight savings time on a 7-month basis.

The House of Representatives failed to enact the 7-month plan and it died at the end of the 94th Congress.

This is a sensible, painless and cost-free way to reduce energy demand in order to reduce our dependence on imported oil. We believe it should be considered promptly and adopted promptly.

Mr. President, our current law makes no scientific sense. School children need no more early morning or late afternoon light in the spring than in the fall.

Under present law, using 1981 as an example, daylight savings time will commence on April 27 and end on October 26.

But on April 27, the daylight hours are far longer than on October 26.

The equivalent day to April 27 is August 17. That is, on April 27 and on August 17, 1981, the daylight will be the same length.

That is because April 27 is 37 days after the vernal equinox (March 21) and August 1 is 37 days before the autumnal equinox (September 23).

By the same token, the equivalent day for October 26 (33 days after the autumnal equinox)) is February 16 (33 days before the vernal equinox). Again, the time between sunrise and sunset on February 16 will be just as long as on October 26.

The length of the daylight hours we derive from the sun results from the constant tilt of the Earth as it revolves around the Sun. This tilt causes the length of day and night to change, causing the seasons.

On March 21 (the vernal equinox) and September 21 (the autumnal equinox), the light just reaches from one pole to the other. The Sun is directly overhead at the equator and days and nights are equal all over the globe.

The vernal equinox begins spring in the northern hemisphere, just as the autumnal equinox begins fall.

The daylight hours then increase in length from March 21 until June 21 (the summer solstic) when the North Pole is most tilted toward the Sun. June 21—our traditional first days of summer—is the longest day of the year.

The days then shorten until the winter solstice (December 22), when the light of the Sun falls well short of the North Pole.

Mr. President, my legislation errs on the side of caution. It does not change the ending date for d.s.t., which this year will be October 26, at all. Nor would it move the starting day for d.s.t. all the way to February 16, when equivalent light conditions will exist.

Rather, it changes the starting date to the first Sunday in March—this year that would be on March 1. Again, the equivalent date in terms of daylight hours would be October 13, well before daylight savings time is presently scheduled to end.

We introduced similar legislation in the last Congress, which did not receive hearings because the Department of Transportation was late in indicating support for the bill.

But it did receive favorable editorial response:

I ask unanimous consent that an editorial from the Camarillo, Calif., Daily News, dated May 9, 1979, be included at this point in my remarks:

MORE DST MAKES GOOD SENSE

California's Senator Alan Cranston has proposed a plan that makes lots of sense even without its main objective, which is a good one.

Cranston has introduced legislation which would extend Daylight Savings Time to eight months a year.

According to our senior senator, the additional two months of DST would save the United States the energy equivalent of six million barrels of oil each year.

Cranston's bill would add the two extra months of DST in the springtime. In compliance with the current daylight savings program, clocks were turned one hour ahead a week ago Sunday, the last Sunday of April. That will be reversed the last Sunday in October when standard time is resumed.

If the legislation is adopted, Daylight Savings Time will begin the first Sunday in March next year and each succeeding year.

Sen. Cranston did not originate the idea. During the first big energy crunch of 1973–74, Congress passed emergency legislation that provided for year-round Daylight Savings Time. This was repealed because of complaints that children were endangered while waiting for buses or walking to school in the dark during winter months.

Congress then replaced the year-round DST experiment with an eight-month program, similar to the one being proposed by Cranston. But like so many energy-saving schemes, such as car-pooling; it fell by the wayside and when the emergency legislation expired in 1975, we went back to six months of Daylight Savings Time.

There has been much talk about using solar energy to conserve fuel. One simple method of using the sun's power for lighting, with no capital outlay required, would be to begin Daylight Savings Time two months earlier.

Even if there were no energy shortage, expanding DST would be welcomed by many people who enjoy that extra hour of daylight during their active hours. Cranston's proposal should get strong and immediate support.

An identical bill to the one we are today introducing will be introduced in the House by Congressman CARLOS J. MOORHEAD this week.

I hope that hearings will be held promptly on this legislation by the Commerce, Science and Transportation Committee, and that this bill will be ultimately adopted.

I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. § 260a(a)) is amended by striking out "last Sunday of April" and inserting in lieu thereof "first Sunday of March".

Section 2. The amendment made by the first section of this act shall take effect at 2 a.m. on the first Sunday of the first March beginning after the date of the enactment of this act.

By Mr. DECONCINI:

S. 50. A bill to amend certain provisions of title 28, United States Code, relating to venue, and to provide for special venue provisions in cases relating to the environment; to the Committee on the Judiciary.

VENUE PROVISIONS RELATING TO ENVIRONMENTAL CASES

● Mr. DECONCINI. Mr. President, I am introducing today a bill to insure that environmental cases are brought in court of the general area where the environmental impact or injury occurs. The bill, S. 50, is identical to S. 3028 reported last Congress from the Committee on the Judiciary, but which was never considered by the full Senate.

PURPOSE OF THE BILL

The bill rests on the premise that in certain environmental actions essentially against the United States, the most appropriate forum to hear the case is the Federal district court located in the judicial district where the primary impact or subject matter of the case is located. Currently, such actions may be brought in several diverse forums at the discretion of the plaintiff. The bill is designed to provide specific guidance to the Federal courts with respect to the transfer of such cases without disrupting the plaintiff's traditional right to initially select a forum. S. 50 also provides district and appellate courts with the authority to consider the primarily local or regional impact of any action or proceeding as a factor in such a court's change of venue deliberations.

The bill further responds to a need for a mechanism for notifying states through their attorneys general of the pendancy of an environmental action filed in the United States District Court for the District Court for the District of Columbia when the action may be primarily local to such states. Such a notice system will increase public confidence in the Federal judicial system by providing states with the opportunity to participate in environmental actions that affect them through timely intervention in such actions.

BACKGROUND

Legislation to correct certain major inadequacies in the Federal venue statutes was the subject of congressional evaluation in the 87th Congress resulting in enactment of the Mandamus and Venue Act of 1962 (Public Law 87-748; 76 Stat. 744, October 5, 1962). Prior to this Act civil actions against the Federal government were restricted to the United States District Court for the District of Columbia because, in part, of the doctrine of "indispensable parties," which limited such actions to Washington, home of the indispensable agency head or other government official. In its consideration of "this historic accident," the Senate Judiciary Committee noted that "the current state of the law respecting venue in actions against Government officials is contrary to the sound and equitable administration of justice." (Senate Report 1992, 87th Cong., 2d Sess., August 31, 1962; U.S. Code, Cong. & Ad. News 2784; *see also* H.R. Report No. 536, 87th Cong. 1st Sess.) [1] With passage of the Act the law was changed to "make it possible to bring actions against Government officials and agencies in U.S. district courts outside the District of Columbia . . ." (S. Rept. 1992). The resulting change in the law broadened venue in such actions to include not only where "a defendant in the action resides," but also, except where a statute calls for specific venue, where "the cause of action arose" or where "any real property involved in the action is situated" or where "the plaintiff resides if no real property is involved in the action" (28 U.S.C. 1391(e)). This change applies to all cases where the United States is a defendant, i.e., the Act is not restricted to a specific type of case such as an environmental matter.

EXPLANATION OF THE BILL

Although the Mandamus and Venue Act cured the technical impediment that had restricted cases against the United States to the District of Columbia, the Act did not consider how such a venue provision might protect the committee's desire to "assist in achieving prompt administration of justice by making it possible to bring these actions in courts throughout the country . . ." (S. Rept. 1992). Nor did the Act contemplate the impact on its findings and purpose by the advent of litigation of potentially primary "local" issues in non-local district courts because of a broadened interpretation given to the requirements for standing. (*Sierra Club* v. *Morton*, 405 U.S. 727 (1972)).

Hearings were held in the 96th Congress (See Senate Committee on the Judiciary, Subcommittee on Improvements in Judicial Machinery, Federal Venue Statutes, Hearings, 96th Cong. 2d sess. Feb. 20, 1980) to consider legislative proposals designed to update the Mandamus and Venue Act of 1962. Both S. 739, introduced by Senator Paul Laxalt, and S. 1472, introduced by Senator Dennis DeConcini would have required that certain civil actions originate in a judicial district where a "substantial portion of the impact or injury" occurred; both bills made similar changes at the appellate level. S. 739 would have applied to all civil actions against the United States regardless of subject matter; S. 1472 was restricted to environmental actions regardless of the type of defendant (i.e., the United States or otherwise). The hearing particularly substantiated the inadequacies of the Federal venue statutes with respect to environmental matters with case histories demonstrating the use of Federal district courts outside of the local area of impact [*Defenders of Wildlife* v. *Andrus*, 455 F. Supp. 446 (D.D.C. 1978)[2]; *Natural Resources Defense Council* v. *Morton*, 388 F. Supp. 829 (D.D.C. 1974); *National Wildlife Federation* v. *Brock Adams*, Civ. Action No. 78-2090 (D.D.C. 1979); *Pyramid Lake Tribe of Indians* v. *Morton*,[3] 354 F. Supp. 252 (D.D.C. 1973)]; the difficulty parties encounter in seeking transfer (change of venue) of such an action to the local judicial district [*Environmental Defense Fund* v. *Costle*, 79 F.R.D. 235 (D.D.C. 1978); *National Wildlife Federation* v. *Andrus*,[4] Civ. A. No. 78-1522 (D.D.C. 1978)]; and problems of an intervenor in such an action [*Sierra Club* v. *Andrus*,[5] 487 F. Supp. 443 (D.D.C. 1980); *Environmental Defense Fund* v. *Costle*, infra; *National Wildlife Federation* v. *Andrus*, infra.]

Opponents to the bills claimed that the proposed changes would undermine the basic purpose of a venue statute, create additional threshold litigation and inhibit venue flexibility. At the hearing, James Moorman, Assistant Attorney General, Land and Natural Resources Division, testifying for the Department of Justice, agreed that there was a problem in certain cases; however, he favored a solution "less sweeping" than either S. 739 or S. 1472. Moorman stated that "(O)ur best suggestion is a combination of a new notice requirement and an amendment to the transfer section (1404(a)) to establish a presumption in favor of transferring cases in which the impact is primarily local." On May 2, 1980, the Subcommittee on Improvements in Judicial Machinery favorably reported an original Subcommittee bill incorporating the essence (i.e., a notice and presumption for transfer provision) but not the method of the Department of Justice suggestion.[6]

The original Subcommittee bill reflected the following policy conclusions: (1) the traditional right of the plaintiff to initially choose a forum under 28 U.S.C. 1391(e) in an action against the United States should not be disturbed; (2) current statutes specifying venue should not be overturned; (3) the notice and presumption sections of the bill should relate only to local environmental actions where the United States is a defendant; and (4) the notice section should be triggered solely by such actions filed in the United States District Court for the District of Columbia. S. 3028 also reflects these very same policy conclusions.

On May 7, 1980 the Senate Committee on the Judiciary considered this original Subcommittee bill as an amendment to the Regulatory Flexibility and Administrative Reform Act of 1980 (S. 2147). At this time one substantive amendment was accepted; this amendment added language to the new transfer section that would allow a rebuttal argument against the "presumption" (for transfer) section if the action was "substantially national rather than local in effect or scope." The original Subcommittee bill, as amended, was overwhelmingly accepted as an amendment to S. 262 (S. 2147), which was reported, without objection, by the Committee.

On June 24, 1980 the Committee on the Judiciary met in open executive session at which time it considerd S. 3028, a bill virtually identical to the original Subcommittee

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Footnotes at end of article.

bill. The differences with tre original Subcommittee bill relate to the definition of "local" and the type of action that may be "national." The Committee then ordered S. 3028, without amendment, favorably reported, which is identical to the text of the bill I am introducing today.

CONCLUSION

S. 50 will promote greater judicial efficiency by encouraging plaintiffs filing civil actions against a Federal government agency to file such actions in a local Federal district court when the primary impact of the action is in the local judicial district, particularly when the case deals with the environment. If the subject matter is locally situated, or if the cause of action arises locally, or if the environmental, economic or other effects of the action have a primarily local impact, the judicial efficiency resulting from a localized adjudication should be encouraged and enhanced and not denied. The bill is a logical extension of the Mandamus and Venue Act of 1962. That Act expanded the general venue statute for actions against the Federal government to allow—for the first time—any civil action against the Federal government to be brought in a local district court rather than only in the United States District Court for the District of Columbia. The bill merely fine-tunes the 1962 Act to provide district courts with additional specific guidance when considering motions to transfer actions of a "local environmental nature" to the local judicial district of primary impact. S. 50 also provides district and appellate courts with the authority to consider the local impact of any civil action as a factor in such courts' consideration of a change of venue motion. In addition, S. 50 creates a system for notifying state attorneys general of the pendancy in the United States District Court for the District of Columbia of an action against the Federal government that is an action of a "local environmental nature."

FOOTNOTES

[1] The Committee's intentions are well stated in the Senate Report:

"Frequently, the administrative determinations involved are made not in Washington but in the field. In either event, these are actions which are in essence against the United States. The Government official is defended by the Department of Justice whether the action is brought in the District of Columbia or in any other district. U.S. attorneys are present in every judicial district. Requiring the Government to defend Government officials and agencies in places other than Washington would not appear to be a burdensome imposition.

"On the other hand, where a citizen lives thousands of miles from Washington, where the property involved is located outside of the District of Columbia, where the cause of action arose elsewhere, to require that the action be brought in Washington is to tailor our judicial processes to the convenience of the Government rather than to provide readily available, inexpensive judicial remedies for the citizen who is aggrieved by the workings of Government.

"Frequently, these proceedings involve problems which are recurrent but peculiar to certain areas, such as water rights, grazing land permits, and mineral rights. These are problems with which judges in those areas are familiar and which they can handle expeditiously and intelligently."

[2] This was actually the second action dealing with Ruby Lake Wildlife Refuge brought by Defenders of Wildlife. The first action, *Defenders of Wildlife* v. *Andrus*, Civil Action No. 78–1210 (D.D.C. 1978) sought to invalidate special regulations signed by the Director, Fish and Wildlife Service on April 21, 1978 which permitted certain recreational activities within the Ruby Lake Wildlife Refuge. That action resulted in a remand of the regulations in question to the Secretary of the Interior for a determination of whether "the permitted recreational use would not interfere with the Refuge's primary purpose." In addition, the action resulted in a ban on the use of the Refuge just prior to the July 4th holiday. The Director signed new regulations on July 19, 1978 again permitting certain recreational usage of the Refuge, which led to the second action. This second action specifically sought declaratory and injunctive relief to prohibit the Federal defendants from permitting (through the regulations) power boating within Ruby Lake Wildlife Refuge and from permitting all boating within the Refuge prior to July 15 of each year. Ruby Lake Wildlife Refuge is located wholly within the State of Nevada; it is the only publically-owned boating recreational area within 125 miles of northeast Nevada's primary population centers, and its primary users (Nevadans) had use of the facility since its establishment in 1963. The action in the District Court for the District of Columbia generated additional court action. (*State of Nevada, et al.* v. *United States of America, et al.*, Civil Action No. 11473, 7th Judicial District Court, Nevada (1978) and *State of Nevada* v. *United States of America, et al.*, Civil Action No. R–78–0157 BRT (D. Nev. 1978)).

[3] This action challenged the government's regulations dealing with the supply of water from Pyramid Lake (wholly located in Nevada) to TCID, the Truckee-Carson Irrigation District. TCID was not a party to the litigation, even through 60,000 acres of irrigated Nevada land depend on TCID for water. The action sought to reduce the TCID's water supply by 30 percent. The Department of Justice, defending the Secretary, neither sought to transfer the case nor to dismiss for failure to join an indispensable party, TCID. This Washington, D.C. action generated additional Federal litigation in Nevada (*TCID* v. *Secretary of the Department of the Interior*, Civ. A. No. R–74–34 B RT (D. Nev. 1974)) to invalidate the regulations adopted pursuant to the Washington, D.C. action. Denying the United States' motion for summary judgment in the Nevada action, the Federal district court in Nevada commented on the Washington action: "* * * It is, nevertheless, obvious that the case was presented to him (Judge Gesell of the United States District Court for the District of Columbia) by parties who did not represent competing interests. The United States of America has never been able to decide whom it represents in these controversies."

[4] In this controversy, the City of Denver determined that an additional water treatment facility was needed to meet the needs of the City; a bond issue to finance this project—the Foothills Project—was passed by a wide margin. Although a related lawsuit was under way in Colorado, the plaintiffs filed suit in Washington D.C., to stop construction on NEPA grounds. A motion to transfer the D.C. case to Colorado was denied. Ultimately, and after more than 2 years of costly delay and court action, the case was settled along with an overall compromise, allowing Denver to do what it had intended in the beginning, pursuant to a Consent Decree entered February 26, 1979 in the United States District Court for the District of Columbia.

[5] In this action the plaintiffs filed a lawsuit in Washington, D.C., requesting the court to order the Secretary of Interior to "define, assert, and protest federal reserved water rights . . . in southern Utah and northern Arizona." The suit basically challenged the Secretary's discretion with respect to an alleged failure to "carry out their trust and statutory obligations." On behalf of the town of Escalante, Utah and others, the Mountain States Legal Foundation intervened and assumed the financial burden and inconvenience of traveling to Washington, D.C. After more than a year and a half of court action, summary judgment was entered on March 21, 1980, in favor of the defendants (as to 3 of 5 claims); the remaining two plaintiff claims were dismissed.

[6] The Department of Justice approach was essentially similar to the Subcommittee's with respect to the "notice" provision except that the Department's definition of "local" was restricted to an "impact on interests in no more than five states." The Department's version of a "presumption" section similarly restricted "local" to an action affecting five or fewer states. The Committee believes, however, that a numerical test for "local" would be unnecessarily restrictive on the courts; the discretion of the courts in this area has been and should continue to be free from such an objective limitation. In either event (i.e., the notice or presumption sections) their changes would not have restricted the provisions to environmental actions. In addition, the Department of Justice version would not have provided the court with the right to transfer the action on its own motion. The Committee feels that this right (it is not a requirement) will be particularly helpful in situations where the court identifies circumstances dictating transfer that escape the parties. The Subcommittee concluded that although non-environmental cases should be addressed (as reflected in the Justice Department version), the Hearing Record demonstrated that the "notice" and "presumption" proposals were particularly needed for environmental actions brought against the United States. Therefore, the Justice Department's suggestion to not restrict the legislation to environmental actions was adopted by the Committee only with respect to the more general provisions of S. 3028, Sections 2(a) and (3).●

By Mr. CRANSTON:

S. 51. A bill to require persons who manufacture cigarettes or little cigars for sale or distribution in commerce to meet performance standards prescribed by the Consumer Product Safety Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CIGARETTE SAFETY ACT

Mr. CRANSTON. Mr. President, 6 weeks ago the front page headline in the Washington Post read, "At Least 85 Die in Las Vegas Hotel-Casino Blaze." The fire was apparently caused by an electrical malfunction. Similar headlines covered the front page of every newspaper across the country. Imagine if in the 6 weeks since the MGM fire two similar hotel fires had occurred, each also claiming 85 lives. The public outcry over the loss of these 255 lives would have justifiably been enormous. Swift action to improve fire safety in our Nation's hotels would have been demanded.

So why is so little attention paid to the 265 lives which on the average are lost every 6 weeks in cigarette-caused fires? Probably because most of these fires are less dramatic. Large numbers of lives are not lost at one time in one location. So most Americans do not realize that at the end of each year when the National Fire Administration compiles fire statistics, cigarettes routinely come out the No. 1 cause of both residential fire deaths and fire injuries. In 1979, such fires resulted in 2.300 deaths, 5,800 injuries, and $210 million in property damage.

The agonizing truth about most of the

74,000 fires caused each year by lighted cigarettes is that tragedy easily could have been prevented.

In reintroducing the Cigarette Safety Act, S. 51, Senator TSONGAS and I recognize that there is a simple—truly preventive—step Congress can and should take to address the leading cause of residential fires. Our bill would give the Consumer Product Safety Commission authority it is now specifically denied to develop a mandatory performance test of a cigarette's tendency to ignite upholstered furniture and mattresses.

We know it is economically feasible to manufacture a safer cigarette. The National Bureau of Standards reports there are currently a few cigarettes on the market that could pass such a performance test. In other words, the cigarette manufacturers inadvertently created a cigarette which has a lower tendency to ignite upholstery and now sells those cigarettes at the same price and with the same success with which it sells other brands.

This is not an antismoking bill. It is legislation directed at a proven safety hazard, a hazard which the cigarette manufacturing industry has regrettably decided not to address voluntarily.

It has been suggested by the Tobacco Institute that public education about the dangers of carelessly dropping lit cigarettes would help solve this serious fire threat. My colleagues might be interested in knowing that out of the 616 million cigarettes smoked in this country each year 99.99 percent are properly disposed of. Considering human fallibility, it seems that an extremely high percentage of smokers are very mindful of their lit cigarettes. I doubt whether this percentage could be further improved upon through any means.

I am sure that my colleagues will agree that "fire-proofing" cigarettes is far easier, cheaper and more effective than attempting to fireproof everything they might be accidentally dropped on.

The 2,300 lives that will be lost in 1981 from cigarette fires will not be confined to any one region of this country. It is a national problem that demands a national solution. I urge my colleagues to join me in working to reduce this major fire danger by supporting this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 51

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 "Cigarette Safety Act".

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) "cigarette", "commerce", "United States", and "little cigar" have the meanings prescribed in paragraphs (1), (2), (3), and (7), respectively, of section 3 of the Federal Cigarette Labeling and Advertising Act;

(2) "sale or distribution" includes distribution of samples or any other distribution not for sale;

(3) "Commission" means the Consumer Product Safety Commission; and

(4) "cigarette safety standard" means any performance standard or cigarette safety rule promulgated by the Commission.

FINDINGS

SEC. 3. (a) The Congress finds that—

(1) the United States Fire Administration has determined that the careless use of smoking materials is the leading cause of fire-related death and injury in residences in the United States;

(2) fires caused by cigarettes and the careless use of smoking materials in the United States annually—

(A) kill approximately two thousand three hundred people,

(B) injure approximately five thousand eight hundred people, and

(C) result in property damage amounting to approximately $210,000,000;

(3) laboratory experiments have shown that a cigarette will burn continuously for approximately 20 to 45 minutes when placed on a flat surface and that there is a reasonable period of time for which a burning cigarette must remain in contact with fabrics before a fire will result;

(4) as presently marketed, cigarettes and little cigars are a dangerous ignition source which present an unreasonable risk of injury; and

(5) it is feasible and practical to produce cigarettes and little cigars which do not present an unreasonable risk of injury.

(b) The Congress declares it to be the policy of the United States—

(1) to reduce the loss of life and property in the United States by requiring that cigarettes and little cigars manufactured for sale or distribution in commerce be processed to ensure that such cigarettes or little cigars—

(A) if ignited, will stop burning within a time period designated by the Commission, if such cigarettes or little cigars are not smoked during such period, or

(B) meet some other performance standard promulgated by the Commission to insure that such cigarettes or cigars do not ignite smoldering upholstered furniture and mattress fires; and

(2) that such proceeding be accomplished without the addition of any toxic elements to a cigarette or little cigars.

RULEMAKING

SEC. 4. (a) (1) The Commission shall promulgate, within 24 months after the date of enactment of this Act, final consumer product safety standards for cigarettes and little cigars which set performance standards ensuring that such cigarettes and little cigars have a minimum capacity for igniting smoldering upholstered furniture and mattress fires.

(2) Performance standards for cigarettes and little cigars shall be developed by the Commission based on objective studies, including studies conducted by the Bureau of Standards of the Department of Commerce.

(b) The Commission shall commence the proceedings for the development of the cigarette safety standards under this Act by the publication in the Federal Register of an advance notice of proposed rulemaking which shall—

(1) state that Congress has declared that a safety standard for cigarettes and little cigars is necessary and that such standard shall be promulgated by the Commission; and

(2) invite interested persons to present their views concerning such standards, orally or in writing, during a period of not less than 30 days immediately following publication of such notice.

(c) Within 12 months after publication of the notice required by subsection (b), the Commission shall publish in the Federal Register general notice of proposed rulemaking under section 553(b) of title 5, United States Code. Such general notice of proposed rulemaking shall include the terms and substance of the proposed cigarette safety standard.

(d) Within months after publication of the notice required by subsection (b), the Commission shall promulgate the standard after there has been an opportunity for interested persons to orally present their views.

(e) (1) The final rule promulgating the cigarette safety standard shall specify the date such standard is to take effect, not to exceed 48 months after the date of enactment of this Act. If the Commission finds by the 18th month after the date of enactment of this Act that it is unable to issue the rule within this specified time period it shall prepare and transmit a report to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Intertsate and Foreign Commerce of the House of Representatives, outlining the reasons for the extension and designating the additional time period required, not to exceed one year, to issue a rule, and the Commission shall issue a notice of extension in the Federal Register.

(2) For purposes of this Act, the rulemaking provisions of sections 7 and 9 of the Consumer Product Safety Act, shall not apply, and notwithstanding any other provision of law, the Commission shall not be required to make findings pursuant to these sections.

(3) The Commission may by rule prohibit a manufacturer of cigarettes or little cigars from stockpiling such products to which the standard promulgated pursuant to this section applies. For purposes of this paragraph, the term "stockpiling" means manufacturing or importing a product between the date of promulgation of such consumer product safety standard and its effective date at a rate greater than the rate at which such products were produced or imported during the one year period immediately preceding the date of enactment of this Act.

JUDICIAL REVIEW

SEC. 5. (a) Any person who is adversely affected or aggrieved by the standard promulgated pursuant to this Act may, at any time prior to the 60th day after the Commission promulgates the final rule, file a petition with the United States Court of Appeals for the circuit in which such person resides or has his principal place of business for a judicial review of this rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commission. The Commission shall file in the court the record of the proceedings on which the Commission based its final rule as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there was no opportunity to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Commission in a hearing or in such other manner, and upon such terms and conditions, as the court deems proper. The Commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendations, if any, for the modification of the final rule.

(c) Upon the filing of the petition under this section, the court shall have jurisdiction to review the final rule of the Commission, as modified, in accordance with chapter 7 of title 5, United States Code. If the court ordered additional evidence to be taken under subsection (b) of this section, the court shall also review the Commission's final rule to determine if, on the basis of the entire record before the court pursuant to subsections (a) and (b) of this section, it is

supported by substantial evidence. If the court finds the final rule is not so supported, the court may require its modification or reversal.

(d) The judgment of the court in affirming, setting aside or modifying, in whole or in part, the Commission's final rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(e) Section 11 of the Consumer Product Safety Act does not apply to judicial review of the Commission's final cigarette safety standard.

REMEDIES

SEC. 6. The cigarette safety standards, as promulgated in a final rule, shall be deemed to be a Consumer Product Safety Standard as defined under section 3 of the Consumer Product Safety Act, and shall be subject to all remedial and penalty provisions of the Consumer Product Safety Act.

CONFORMING AMENDMENTS

SEC. 7. Section 3(a)(1)(B) of the Consumer Product Safety Act is amended by adding after the word "products" the following: "except that cigarettes and little cigars are deemed to be consumer products for the purposes of regulating them as an ignition source".

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. For each of the first three fiscal years beginning after the date of enactment of this Act, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HAYAKAWA:

S. 52. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Environment and Public Works.

AMENDMENT OF CLEAN AIR ACT

Mr. HAYAKAWA. Mr. President, today I am introducing a bill to amend the Clean Air Act so that each State will be able to determine whether or not a mandatory inspection and maintenance program for motor vehicles is necessary and practicable. I do this with the hope that such legislation will help put a stop to the type of blatant coercion that is currently being used against the State of California by the Environmental Protection Agency.

The Clean Air Act requires each State to submit to the EPA an implementation plan which provides for the attainment of national ambient air quality standards by December 31, 1982. However, in recognizing that attainment may not be possible in some areas by that deadline, the act also provides that a State which demonstrates that it is unable to attain the national standards for ozone or carbon monoxide prior to December 31, 1982, may provide in its implementation plan for attainment of those standards no later than December 31, 1987. But there is a catch. In order to take advantage of this extension, the State must establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program. I believe this catch or this requirement is a deviation from the overall philosophy of the Clean Air Act under which the States are generally free to choose the control measures which they believe to be appropriate.

The legislation which I am introducing allows the States to choose the programs by which they will attain the national air quality standards. It does not alter air quality standards, and it does not alter the deadlines by which they must be achieved. Specifically, this legislation would delete the requirement that forces a State which cannot meet the national standards for photochemical oxidants (ozone) or carbon monoxide by the 1982 deadline to establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program.

Thus, a State would be required to have an inspection and maintenance program only to the extent to which it found such a program to be necessary and practicable. Moreover, this bill would add a new section to the Clean Air Act which would provide that: First the Administrator of the EPA could not require an inspection and maintenance program as a condition of approval for any State implementation plan, second if the Administrator, rather than the State, promulgates an implementation plan it may not require an inspection and maintenance program, and third any State may revise its implementation plan to eliminate an inspection and maintenance program.

Now it makes sense to allow States to use means other than inspection and maintenance programs to control emissions, because there is considerable disagreement about the benefits to be derived by implementing such programs. The EPA has suggested that based on data developed in Portland and Eugene, Oreg., one might expect a 24-percent reduction in hydrocarbons and a 34-percent reduction in carbon monoxide over a year's time. However, these figures have been contested by some very responsible sources. A study done for the legislative analyst of the State of California projects only a 17.4-percent reduction in hydrocarbons and a 22.4-percent reduction in CO. These reductions could still be considered substantial. But a report done jointly by the California Air Resources Board and the California Department of Consumer Affairs projects only a 5-percent reduction in total hydrocarbons and a 1-percent reduction in total oxide emissions as a result of an inspection and maintenance program. This would represent a relatively small impact.

The total cost to all of the States subject to the inspection and maintenance requirements would be in the range of $300 to $800 million a year. One must ask the question, "Are the projected benefits worth an investment of this magnitude?" Other factors will significantly influence automotive emissions in future years. The dominant influence will be the changing composition of the automotive fleet. As newer, low-emission cars replace older cars, total emissions will fall, regardless of whether inspection and maintenance is required. More reliable emissions control technology and a reduction in total mileage driven as a result of higher gasoline prices can also be expected to have a significant impact. I believe the determination of how much an inspection and maintenance program will enhance these factors and the decision to invest in such a program should be left to be made by each State.

The need for this legislation is made evident by the EPA's actions against my own State of California. Because the State legislature has voted against the establishment of legal authority necessary to implement a motor vehicle inspection and maintenance program, the EPA has formally indicated, in a notice of proposed rulemaking, its intention to withhold up to $850 million in Federal highway and sewer funds that would otherwise go to California. It is also threatening to hold up approvals for further industrial expansion in the State. These threats constitute nothing less than blatant coercion on the part of the Environmental Protection Agency, and it is my intent to strip away this power to coerce. The Clean Air Act seemingly gives the EPA the power to use this form of coercion; therefore, the Clean Air Act must be corrected.

Nobody opposes clean air. But more and more people are demanding that flexibility and common sense be exercised in our pursuit of air quality goals. This is evident in the current administration's own steel revitalization program, and I suspect it will be evident in the next administration's economic revitalization programs. Passage of this legislation will help to insure that the Environmental Protection Agency will lead the States toward the attainment of national air quality standards through commonsense and flexibility, and will help put a stop to the type of "arm twisting" tactics that are currently being employed by the EPA against the State of California.

By Mr. HAYAKAWA:

S. 53. A bill to amend the Voting Rights Act of 1965 to repeal certain requirements relating to bilingual election requirements; to the Committee on the Judiciary.

AMENDMENT OF VOTING RIGHTS ACT

Mr. HAYAKAWA. Mr. President, today I am introducing legislation to amend the Voting Rights Act by deleting the provisions added in 1975 which require that bilingual election materials be provided in certain States and counties.

When the 94th Congress amended the Voting Rights Act to require the use of bilingual ballots, the intent was to bring our nonEnglish-speaking population into the mainstream of American society by allowing them to vote in a language they can read and understand. The effect of that act, however, is to foster the fallacy among immigrants to the United States that it is not necessary to learn English. That fallacy can lead to trouble for all of us in the years ahead.

As a semanticist, I must point out that language is a means of communication. If you speak one language and I speak another and we need to communicate, either I must learn your language or you must learn mine. If I decide not to learn your language and you decide not to learn mine, we have established a barrier

to communication by which both our cultures are impoverished. Throughout our history our Nation has been enriched because our immigrants have eliminated communications barriers with the use of a common language—English.

With the use of bilingual ballots, however, we are saying to our non-English-speaking citizens that they can fully participate in the political process without overcoming the language barrier. That simply is not true.

Suppose, for instance, a Spanish-speaking citizen wants to vote for a Presidential candidate or one of the various State propositions being offered. While the individual may have a ballot printed in Spanish, it will not help illuminate the differences between the candidates; it will not enlighten him on the effect the proposition will have on his life. Voter information pamphlets which are supposed to explain the issues in question are often so bureaucratically written that they are incomprehensible in any language. So those who do not understand English are totally dependent on information received from foreign language television programs and newspapers, and discussions with friends and relatives. They are excluded from the broader perspective obtained from English-language newspapers, magazines, and television programs. They cannot listen to an English-speaking candidate present his or her own views. While the non-English-speaking citizen has been provided with an easier means to express his views, a ballot in his own language, he has been discouraged from obtaining the wide range of information necessary to develop those views.

At some point the person who does not speak English will realize the political limitations. As a member of a minority-language group, he will find it impossible to run for an office that serves a constituency whose majority speak English. He cannot effectively address his views to those who do not understand his language, so he surrounds himself with those who do. This political polarization can lead to a separatist movement, especially among our growing Spanish-speaking population.

There are those who argue that bilingual ballots are necessary for those citizens who, in years past, were denied the opportunity to learn English. These people are dependent upon, and have available to them, the assistance of foreign language newspapers, television programs, and friends and relatives. It may be unfortunate, but with or without a bilingual ballot that dependence will remain.

I am introducing legislation to abolish bilingual ballots because I believe that our country's greatness is directly related to our unique ability to merge a multitude of foreign cultures into one. The key to this ability is the acceptance of a common language that allows each new culture group to communicate and share ideas with those who have been here longer. We cannot as a nation afford to ignore the value of the American melting pot.

The bilingual ballot is a long step in the wrong direction. Real political participation, social participation and cultural participation in all aspects of American life cannot be achieved through misguided mechanisms like the bilingual ballot. It is time we told our non-English speaking citizens the truth: They need to learn English.

By Mr. HAYAKAWA:

S. 54. A bill to repeal the provisions of title 23, United States Code, requiring a national maximum speed limit of 55 miles per hour; to the Committee on Environment and Public Works.

THE 55-MILE-PER-HOUR SPEED LIMIT

Mr. HAYAKAWA. Mr. President, I am today introducing a bill, for appropriate reference, which will right an injustice that began in 1974 and continues to harass States with no regard for responsibility or reality. I refer to the national maximum speed limit of 55 miles per hour.

This is not the first time I have introduced this legislation; I hope it will be the last. The time has come for Congress to recognize its responsibility to the States and to the people by correcting a problem which has less to do with lives and fuel than with the expansion of Federal power into areas reserved for the States.

Prior to 1974, the various States were charged with the responsibility of establishing maximum speed limits. To this day the States retain, not only that responsibility, but that authority. The Federal Government does not have the power to deprive the States of that responsibility—so it threatens to deprive Federal highway funds to States which maintain maximum speed limits in excess of 55 miles per hour. That is nothing less than extortion.

If that is not enough, the Federal Government requires that the States not only establish maximum speed limits at 55 miles per hour, to be eligible for owed highway funds, States are required to demonstrate compliance with the limit. In many States, that is not possible—because drivers will not accept this Federal mandate.

Not unlike prohibition, the national speed limit is creating a population of criminals. Like prohibition, the national speed limit cannot be tolerated. Ironically, a prohibition on alcoholic beverage would have a much greater impact on traffic fatalities and fuel economy than the 55-per-mile-hour speed limit could ever have; since nearly half of all traffic fatalities involve drunken driving, the absence of intoxicants would severely decrease highway accidents; the production of ethyl alcohol, which was formerly made for human consumption, could be converted to an alternate fuel source. But prohibition was repealed because it infringed on the right of an individual to choose. Similarly, the national maximum speed limit should be repealed because it infringes on the right of States to determine what a safe and economical speed is for their own highways.

It simply does not make sense for a citizen of New Jersey to determine what a safe rate of speed is on California highways. New Jersey is a densely populated State which is 166 miles in length; the distance between California's two major commerce centers, San Francisco and Los Angeles, is 347 miles through sparsely populated agricultural land. So while a speed of 55 miles per hour may be appropriate for New Jersey, it is not appropriate for California.

I am not advocating that we abolish the 55-mile-per-hour speed limit. I am saying that the responsibility for making that determination should be returned to the States, and that Federal blackmail for highway funds must stop.

There are those who argue that the national speed limit has saved lives and conserves fuel, however, to be responsible for a change in the highway death toll, or the rate of fuel consumption, the limit would have to be observed. A 50-percent compliance rate could hardly be considered demonstrative, and must be considered to have had limited influence on either highway deaths or fuel economy.

The highway fatality statistics, which proponents of the national speed limit cite, include all deaths involving a motor vehicle, on all roads in the country. Deaths resulting from speed in excess of 55 miles per hour form an estimated 5 percent of the total. Moreover, while the number of highway deaths dropped significantly in 1974, the year in which the national speed limit became effective, since 1975 that number has been increasing. It was easy to claim a significant correlation then. It is more difficult to explain the increase in fatalities as a result of the national speed limit, especially in that face of recent safety innovations. Perhaps a more reasonable explanation of the entire phenomenon is that traffic volume decreased significantly in 1974 and 1975 because of the Arab oil embargo and the subsequent rise in fuel prices; with decreased traffic volume came fewer highway deaths.

Similarly, the contribution of the national speed limit to fuel conservation has been exaggerated. One estimate concludes that the 55-mile-per-hour limit has an impact on one-half of 1 percent of the total fuel consumption of the United States. Another estimate concludes that the speed limit has had no greater impact on fuel economy than properly inflated tires would have.

I ask unanimous consent that an article by John Tomerlin and the results of a survey conducted by Road & Track magazine be printed in the RECORD at this point.

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

[A Road & Track Report, May 1980]

THE 55-MILE-PER-HOUR MYTH—SIX YEARS OF SPEED PROHIBITION

(By John Tomerlin)

On January 2, 1974, less than two months after Saudi Arabia's King Faisal announced a halt in shipments of Middle Eastern oil to the United States, the Emergency Highway Energy Conservation Act was signed into law, establishing 55 mph as the nation's maximum legal highway speed. One year later the

Federal-Aid Highway Amendments provided for an indefinite extension of the National maximum speed limit (Nmsl) on the grounds that it had contributed significantly to fuel conservation and was responsible for a major reduction in traffic accidents and deaths.

Under the provisions of the legislation, states that fail either to establish a 55-mph speed limit or to certify certain levels of enforcement will be penalized by the loss of a portion of their gasoline-tax funds. Administration of the law is in the hands of two agencies of the Department of Transportation (DOT)—the National Highway Traffic Safety Administration (NHTSA), which oversees enforcement by the states, and the Federal Highway Administration (FHwA), which collects and analyzes speed-control and speed-monitoring data.

These and other branches of the DOT collaborate on public information programs to promote the advantages of the 55-mph limit. According to these sources, the Nmsl is the "most significant action taken on behalf of traffic safety in half a century," one that has saved the nation at least 1.5 billion gallons of gasoline per year and prevented upward of 6000 fatalities annually. Both figures could be doubled, it is claimed, by greater efforts at enforcement.

Greater efforts are a certainty. The Highway Safety Act of 1978 authorizes up to $50 million per year to help the states enforce the Nmsl. This money is in addition to whatever share of state gasoline-tax funds the Secretary of Transportation sees fit to mandate for enforcement. In 1979, $40 million in 402 funds[1] were earmarked for this purpose, while for fiscal 1980 Congress has budgeted $20 million. This kind of multiple-source funding makes a precise analysis of long-range costs difficult, but NHTSA officials now estimate that direct federal aid to speed enforcement will cost taxpayers $646 million over the next decade. In all likelihood this is an underestimate.

Given the magnitude of commitment to the 55-mph speed limit, it might be expected that a substantial amount of evidence exists proving that it performs as claimed. In fact, such evidence is lacking. Claims for savings of "over 4 million gallons of gas a day" are challenged by every professional survey of fuel consumption to date; and analyses of the alleged safety benefits of the Nmsl are so inconclusive that former Transportation Secretary Brock Adams admitted during appropriations hearings in 1977 that, "We have found that no accurate estimate can be made on the overall safety impact of the 55-mph speed limit . . ."

Adams went on to assure the Congress that it should have "high confidence" that the federal limit had contributed to safety, but he failed to emphasize the importance of other changes that took place with the Nmsl. There were significant reductions in vehicle mileage in the wake of the Arab oil embargo, resulting in lessened exposure to accidents; there was an increase in driver awareness, especially during periods of uncertain fuel supplies; and there was a continuation of the historical trend to greater safety resulting from improved highways, vehicles and driver licensing procedures.

Although the safety benefits of the Nmsl have proved elusive, its negative effects are all too concrete. It has severely restricted application of the best-known technique for setting highway speeds for maximum safety, replacing it with an arbitrary speed that ignores local needs and conditions. It has created a nation of scofflaws and resulted in a significant diversion of police services from other vital functions. It has caused dissension between the federal and state governments, between legislators and their constituents, and between the public and their law enforcement and judiciary officials—to the disadvantage of all concerned.

Based on six years of practical experience, it is not too much to say that the experiment with Speed Prohibition is a failure, and that the greatest obstacle to further gains in highway safety has become the 55-mph speed limit itself.

55 MPH AND FUEL

The idea for saving energy by reducing highway speeds was not developed overnight. As early as May 1973 the Secretary of Transportation began urging the states to reduce their limits; and that summer similar requests were made by the Senate and the President. In support of these appeals were the results of tests performed by the FHwA in October 1973, comparing fuel consumption rates at various speeds in 13 American-made cars.

"The Effect of Speed on Automobile Gasoline Consumption Rates" documented economy losses in all cars tested, at all speeds higher than 50 mph. On average, mileage dropped off 10 percent when speed was increased from 50 mph to 60 mph; at 70 mph, mileage fell an average of 25 percent. No tests were performed at 55 mph, perhaps because that speed had not at that time been selected for the national speed limit.[2]

In view of the fact that Americans consume a virtual sea of gasoline each year—110 billion gallons of it in 1973, and considerably more today—the prospects for achieving significant savings by reducing speeds seemed good.

So good, the Administration began claiming success almost at once. "In the first six months of 1974, about 135,000 barrels of gasoline were saved each day that would have been consumed under previous speed limits," the Federal Energy Administration announced. NHTSA agreed with this estimate, adding that more than 98,000 barrels per day continued to be saved thereafter.

As it turned out, both estimates were premature and inaccurate. When professional studies were commissioned to determine the impacts of the speed limit on conservation, the findings were quite different. The Mitre Corp. in a report to the National Science Foundation, discovered that while 255,000 fewer barrels of fuel per day were consumed in 1974 than in 1973, most of this was the result of shortages and reduced travel. Only about 71,000 barrels per day could "possibly" be attributed to the "combined efforts of the 55-mph speed limit and more fuel-efficient cars."

A second study, performed by Braddock, Dunn and McDonald in September 1974, also for the National Science Foundation, agreed with the theoretical possibility of saving 200,000 barrels of gas per day by reducing highway speeds—but, after examining consumption trends and traffic volumes for the winter of 1973 and the spring of 1974, the researchers concluded: "There was no actual improvement" in consumption.

Somewhere, between theory and application, the expected conservation benefits of the National maximum speed limit had vanished.

Less than half of one percent

There's no mystery about the Nmsl's failure to live up to expectations. To begin with, reliance on the results of the FHwA's tests gave rise to false hopes. Whereas the Highway Administration performed straight-time runs at constant speeds on uncrowded roadways—conditions "not likely to occur in normal operation," as the researchers themselves conceded, most motorists spend little if any time in such circumstances. The rest is spent braking, shifting, accelerating, changing lanes and so on. Much of it is spent on roads where 55 mph or better is either inadvisable or impossible.

As those who have made the experiment know, a consistent 10-percent improvement in mileage is difficult to achieve through speed control alone; and even that requires some techniques not necessarily recommended from a safety standpoint.

A second miscalculation was the failure to analyze the potential for making a significant impact on energy problems. Only about one-third of the total vehicle mileage traveled in this country is on roads where 55 mph or more is possible; and only about half of that mileage actually is driven at or above the limit. This means only one-sixth of all vehicle miles are subject to any fuel savings from the Nmsl.

The precise amount of saving will average around 12 percent, depending on car weight, engine efficiency and the exact speed above 55 mph; which means that the formula for the *maximum* savings available from the Nmsl, assuming absolute compliance would be: 33⅓ percent x 50 percent x 12 percent. Or, a little less than 2 percent of consumption.

Inasmuch as the petroleum for highway transportation represents about one-quarter of the nation's energy needs, the greatest possible savings amount to *less than one-half of one percent* of total energy requirements.

From a moral viewpoint there is something to be said for saving even this minuscule amount; but from an economic point of view,[3] the value of that half of a percent must be discounted for enforcement and other costs. These happen to be substantial. In addition to the federal contribution of around $65 million per year, an estimated $2.5 billion is spent by local police and traffic services. Ever-increasing portions of this money are being directed at monitoring and enforcing the 55-mph speed limit. Currently NHTSA requires annual reports from all of the states on every type of road: interstate highways, urban and rural; multi-lane divided and undivided roads, urban and rural; federally aided primary roads, urban and rural; plus summaries of average speeds on these roads, median speeds, 85th-percentile speeds, and the ratios of traffic exceeding 55, 60 and 65 mph.

And now the DOT is demanding that such reports be made quarterly, hence four times the expense.

The FHwA, which heretofore required only "representative" speed data, now wants measurements for *all* traffic—a task so monumental that government spokesmen admit, "technology for this calculation is not presently available." When and if the technology becomes available, certain states with lower traffic densities (no freeway rush hours, for example) are virtually certain to fail the federal guidelines on compliance, for which the penalty is the loss of a portion of 402 funds. This will have the ironic effect of curtailing safety improvements on the affected state's highways.

California's Department of Transportation estimates that federal enforcement guidelines will increase its administrative costs from $20,000 at present, to more than $200,000.

Another cost attributable to the Nmsl is its impact on truckers. Although trucks, like cars, get better mileage at lower speeds (assuming proper final-drive ratios), the savings in fixed, per-mile costs at higher speeds outweigh the added expense of fuel. A recent report from an office of the Department of Agriculture revealed that while a 33-percent improvement in fuel consumption reduced a trucker's per-mile expense about 3.5¢, triple that savings resulted from an increase in speed of 10 mph.

All of this suggest that, even if total compliance with the Nmsl were achievable, the maximum benefits would be less than the costs involved.

Total compliance appears highly unlikely. In spite of large infusions of manpower and money during the past six years, noncompli-

Footnotes at end of article.

ance is widespread and rising. According to official estimates, more than half of all traffic on roads with the Nmsl now exceeds 55 mph. An estimated 70–80 percent of all drivers do so at least some of the time. The average speed or traffic, which fell 7–10 mph during the initial gasoline crisis—and again during shortages last year—has risen steadily at all other times. Eighty-fifth percentile speeds, which have special value as indicators of traffic behavior in general, are consistently above 60 mph—as high as 68 mph in some places.

Meanwhile, arrests nationally for speeds in excess of the Nmsl have risen from 5.7 million in 1973, to more than 8 million this past year, to no apparent effect.

Lowering the average weight of the passenger car fleet 1000 lb per car will save several times as much gasoline as the 55-mph speed limit purports to save; slightly higher tire pressures and more frequent tuneups would be more effective (there is, of course, some cost involved with tuneups); and, considering that radial tires improve mileage 3–5 percent, it would be cheaper and more effective to give a set to every driver who doesn't presently use them than to persist with the current unpopular impractical program.

55 MPH AND SAFETY

One of the most significant consequences of the Arab oil embargo was a dramatic decline in traffic accidents and deaths. During 1974 there were some 230,000 fewer accidents than the previous year, a reduction of nearly 4 percent. Highway [4] fatalities dropped 16 percent as compared to 1973—from 54.600 to 46.000—and the death rate per 100 million vehicle miles fell from 4.3 to 3.6. Supporters of the Nmsl were quick to credit lower speeds for such changes.

"At least 66 percent of the fatality reduction is directly attributable to the 5-mph speed limit," the DOT announced, adding that on the basis of its studies, "4500 to 6000 lives have been saved each year as a result."

Other members of the safety establishment, while assigning a smaller percentage of the improvement to the new speed limit, agreed generally with this assessment. The few dissenters were criticized as much for their motives as for their findings; average speeds had decreased at the same time accidents had decreased, a cause-effect relationship was presumed.

There were other causes, however. Fewer vehicle miles because of gasoline shortages and higher prices [5] meant less overall exposure, hence fewer accidents. Increased driver awareness played a role, though no one could say how much of one. And some technological improvements, such as added miles of interstate highway; increased use of radial tires; the advent of better safety belts and the belt-ignition interlock, etc., also contributed. What wasn't understood at the time was how great the cumulative effect of these changes would be.

It is now clear that they account for virtually the entire gain in highway safety during and after the gasoline crisis of 1973–1974. Although no exact statistics exist, and the estimates vary all the way from 4 percent (California) to 12 percent (North Carolina), most authorities concur in a 5 percent overall mileage reduction. While this isn't much, it had greater significance because of the *kinds* of driving most affected. Night driving decreased more than daytime; rural driving more than city driving; and weekend and holiday traffic was hardest hit of all. A typical case was Iowa, where mileage dropped only 6–8 percent on rural roads during weekdays, but fell 25–30 percent on weekends.

Inasmuch as the kinds of driving most affected by the gasoline crisis also are associated with the highest accident rates (alcohol abuse, driver fatigue and anti-social driving all are at their peaks), reduced mileage accounted for about 30 percent of the reduction in fatalities during first-half 1974.[6] This calculation takes into account lighter traffic density (a factor missed by several authorities) which is a well established corollary of accident rates. In fact, top officials at the California Department of Transportation are worried by evidence that, "Density remains the most reliable indicator of accident incidence."

A second major change in conditions during late 1973 and early 1974 was the alteration in driver attitudes. Although difficult to quantify, the effects of this heightened awareness were manifested in two ways. Average speeds began to drop before the Nmsl was passed—reaching their lowest level in January before major enforcement began; and during this period speeds decreased on *all* roads, not just those posted for the lower limit.

Statistics show that voluntary actions produced the greatest gains in safety.

The death rate, having reached its lowest level in history between October 1973 and January 1974, began rising simultaneously with the enforcement of the Nmsl. It increased still further as normal gasoline supplies were restored and the Arab embargo ended.

Although reduced nonessential driving and heightened driver awareness were responsible for most of the safety improvement through first-half 1974, a third influence was at work. This was the evolutionary trend to greater traffic safety, a tendency that has continued, and American highways have become consistently safer for the past half century.

Between 1925 and 1975 the death rate declined from 19.0 to 3.4—an improvement of roughly 3.5 percent per year—while highway speeds rose with equal consistency. This agreement between greater speed and greater safety was achieved through consistent, rational improvements in the highway environment: everything from better median dividers, energy-absorbing barriers on bridge abutments and breakaway light standards, to the refinement of 3-point safety belt systems.[7]

Fifty years of traffic history suggests that the death rate would have declined by some amount with or without a fuel crisis, and with or without a 55-mph speed limit. Washington, D.C.-based safety advocate Roger Johnson has noted, "Following a sharp decline in fatality rates from 1973 to 1974, actual rates gradually approached predicted rates until, in 1978, they exceeded predicted rates".

It is apparent from Table 3 that, while voluntary speed reductions were associated with minor improvements in safety at the beginning of the fuel crisis, the National speed limit *per se* had little or no impact. This finding is consistent with all that is known about proper speed zoning, the underlying principle of which was set forth in a pamphlet by the Southern California Automobile Club: "Generally speaking, traffic laws that reflect the behavior of the majority of motorists are found to be successful [while] laws that arbitrarily restrict the majority of drivers encourage wholesale violations, lack the public's support, and usually fail to bring about desirable changes in driving behavior. This is especially true of speed zoning."

The 85th Percentile

Speed limits that "reflect the behavior of the majority" are determined by the 85th percentile method. Traffic is monitored and speeds recorded for a section of road where prima facie speed limits are desired; the speed that 15 out of every 100 cars exceed, and that the other 85 travel at or below, is the 85th percent speed. Speed limits normally are set 5 mph below this figure.

This technique is founded on an observation made some 25 years ago by Matthew C. Sielski, a traffic engineer for the Chicago Motor Club. On the basis of extensive studies of accidents along selected midwestern highways, Sielski determined that, "Most motorists drive at a reasonable and proper speed, and are capable of recognizing conditions that warrant lower speeds."

Practical experience has borne out this conclusion. Where observations are made along unposted roads with no concealed hazards, cars traveling at the 85th-percentile speed have been found to have the fewest accidents; statistically, a car traveling this speed is 5–6 times less likely to crash than one driving 5–10 mph *below* the posted limit.

The effect of posting speed limits at or near the 85th percentile is to reduce the number of accidents occurring on that road; it reduces them whether the previous limit was *above or below* the 85th percentile speed.[8] But this invaluable implement of highway safety cannot be applied on freeways, parkways, interstate highways and other limited-access roads where the consequences of crashes are most severe, until the federal formula is withdrawn and decision-making powers are returned to local jurisdictions.

In the meantime, the ability of local agencies to provide effective traffic management is being hampered by federal requirements. Officers have many responsibilities in addition to enforcing speed limits; assisting at the scene of accidents, fires and public disturbances; arresting drunk and aggressive drivers; aiding stranded motorists; identifying hazards and patroling high-risk areas, and much more. Yet, in order to meet the DOT schedule for increased compliance with the Nmsl, police have been forced to pull out of high-risk areas on weekends and holidays, in order to patrol freeways and interstate highways where the risk of an accident is lowest.[9]

In Oregon, for instance, state police now devote one-third of their time to patroling freeways, where only 6 percent of that state's traffic fatalities occur. Better than 53 percent of the arrests made are for exceeding the Nmsl, even though that act is considered a minor cause of accidents. Oregon authorities have calculated that the "direct increase in enforcement cost in terms of officer patrol on freeways . . . amounts to $1,382,971 annually because of the 55-mph basic rule."

An analysis by the California Highway Patrol has shown that speed-caused accidents resulted in 30 percent of all fatalities in that state; "Thus 70 percent of all fatalities resulted from causes other than speed, an indication that enforcement concentration on speed violations alone would not be consistent with the demonstrated accident problem."

In North Carolina, the Highway Safety Research Center (HSRC) ran a statistical comparison of the leading causes of traffic accidents, versus the number of traffic tickets issued for each of those actions, attempting to determine the appropriateness of enforcement. Here is a partial listing of the result.

"There is an enormous mismatch between enforcement practice and . . . crash involvement," the HRSC researchers concluded.

R&T RECOMMENDS

This mismatch is likely to continue until popular misconceptions about the relationship between speed and accidents are corrected. For example, traffic engineers now know that speed is the primary causal factor in only 4–6 percent of all accidents—speed in this case meaning "too fast for conditions," not merely "exceeding posted limits." Yet crackdowns on speeding—particularly on open, lightly traveled highways with the lowest accident rates—continue to be a favorite tactic of many officials and politicians.

There is no question that speed intensifies the likelihood and severity of injuries when accidents do occur; but an equally well established tenet of 20th century transportation is man's decision to travel faster

Footnotes at end of article.

than he can afford to crash. Under such circumstances there is more to gain from eliminating the causes of accidents than from the effort to impose Speed Prohibition.

The 85th percentile is not only the best known method for setting realistic speed limits, it has the added advantage of increasing the overall proportion of traffic traveling within the pace (the 10 mph range in which the highest percentage of traffic moves). It is an established fact that fewer accidents occur when the greatest number of cars are traveling within the pace. Another important factor is that vehicle fuel economy would benefit from a smoother flow of traffic.

Accordingly, R&T recommends the following:

1. Immediate repeal of the 55-mph National maximum speed limit. State legislators must be urged to take action in the true interests of highway safety;

2. Reallocation of funding from the Highway Safety Act of 1978 to increase the use of the 85th percentile in setting prima facie limits on all roads, and for identifying and eliminating concealed road hazards;

3. Federal aid to expand and implement the concept of Traffic Management By Objectives, in which the primary objective is the reduction of accidents and the saving of lives;

4. Considering the profound effect they have had on society and the market place, continued implementation of the federally mandated Corporate Average Fuel Economy (CAFE) standards as the most productive approach to fuel economy savings.

FOOTNOTES

[1] Title 23, section 402 of the U.S. Government Code. Such terms as "402 money," "federal highway funds," etc. refer to what amounts to revenue sharing as applied to gasoline taxes.

[2] The President initially called for a 50-mph limit, possibly suggested by an oil company ad campaign in May which featured the slogan, "50 is thrifty." Congress raised the final figure to 55.

[3] See "Where Has All the Gasoline Gone?" R&T, July 1979.

[4] Traffic statistics, which vary according to source, are rounded for purposes of this discussion.

[5] The cost of a gallon of regular gasoline rose from 35–40 cents in December 1973, to above 60 cents in April 1974.

[6] In North Carolina, where accidents and deaths were down 10 percent and 22 percent respectively, it was determined that both reductions were due "primarily to decreases in rural, weekend accidents."

[7] The major contributor to highway deaths which is sometimes obscured by the government's emphasis on 55-mph enforcement, has been and continues to be the drunk driver.

[8] It may be that the only identifiable benefit of the 55-mph speed limit was on roads with hidden hazards, where posting had been set dangerously high.

[9] The death rate on rural interstate highways in 1979 was about 1.6, as opposed to 3.3 for all roads.

Speed Limit Survey: Results of the R&T Speed Limit Questionnaire

More than 20,000 Speed Limit Questionnaires have been received from the April and May 1980 issues of R&T. In addition to answering the 25 questions (some of them multiple part) in the survey, most respondents added extensive comments on such subjects as safety, fuel conservation and traffic enforcement. All in all, the questionnaire prompted an impressive demonstration of the interest most drivers feel in the 55-mph National maximum speed limit (Nmsl).

Although several other surveys have been performed by the National Highway Traffic Safety Administration and law enforcement agencies—all purporting to show widespread popular support for the 55-mph limit—such findings are sharply at odds with observed traffic speeds.[1]

R&T's sampling, in addition to providing the largest data base of any such survey to date, also is the first to be performed on a knowledgeable, well informed segment of the driving public. It may be no coincidence, then, that the results are highly compatible with actual highway experience.

This is not to claim that the R&T survey is unbiased, or that it represents the viewpoint of the "average" motorist. The personal data obtained from questionnaires indicates that most respondents are above average in income, education and driving experience. Just over half (54 percent) reported earnings of between $20,000–$50,000 per year; one-third said they earned $20,000 or less; the top 14 percent have incomes of $50,000 per year or better.

The sample group is well educated, 55 percent having been to college, and 32 percent reporting graduate school experience.

The mean age of respondents is 32, with three-quarters of the total vote coming from those between ages 25 and 55. Only 1 percent of the participants are under 18, and 2 percent are over age 60.

Most are relatively high-mileage drivers: Only 9 percent drive less than 10,000 miles per year; 48 percent drive 10,000–20,000 miles/year; 36 percent 20,000–40,000 miles/year; and the top 6 percent log more than 40,000 miles annually.

By cross referencing the respondents' personal data with their answers to key survey questions, it's possible to arrive at interesting, often intriguing, conclusions. Such as:

The two age groups most *opposed* to repealing the 55-mph Nmsl are drivers under 18 years—or above age 60.

The more education a motorist has, the less likely he is to agree that "55 saves" lives or fuel.

The more experienced a driver is, the more he disagrees with the statement "Speed kills."

The Key Questions

One of the goals of the Speed Limit Questionnaire was to sample reader opinion prior to and after the publication of "The 55-mph Myth,"[2] John Tomerlin's in-depth study of the national speed limit. Identical questionnaires, except for color-coding for identification, were run the month before and the month of the article. April brought approximately 14,000 responses, while May resulted in an additional 6000 completed questionnaires; there was minimal overlap in "before" and "after" balloting, so that it was possible to determine how, and how much, opinions were influenced by the information contained in the Tomerlin article.

It's apparent from the results that the article had major impact. Although a majority of replies in April indicated skepticism of the Nmsl's life-saving potential, this tendency was far more pronounced in May, as shown by the answers to Question 1:

[In percent]

	April	May
Do you think the 55-mi/h speed limit saves lives?		
Yes	30	21
No	63	75
Don't know	7	4

Not only did the Nmsl's credibility sink by nearly one-third after readers were presented with the facts, the number of undecided votes fell by an even larger percentage factor.

Both changes are more than large enough to be considered "significant," in the language of statisticians.

Also quite significant is the fact that respondents' belief in "55 saves lives" is inversely proportional to the amount of driving they do. Those who drive 10,000 miles/year or less answered yes 32% of the time to Question 1; only 16% of motorists who drive 40,000–50,000 miles/year agreed to the safety value of the Nmsl.

Those surveyed are more ready to believe that the 55-mph limit saves some fuel than that it saves lives. April opinion is almost evenly divided on the question—a situation that changed drastically after a discussion of the subject in "The 55-mph Myth." The answers to Question 2 were:

[In percent]

	April	May
Do you think the 55-mi/h speed limit saves fuel?		
Yes	46	32
No	48	63
Don't know	6	5

As in Question 1, the more experienced drivers are less convinced of the benefits of the Nmsl than low-mileage drivers. About 48 percent of those who reported driving 10,000 miles/year or less think 55 mph saves them fuel, a figure that dropped to 40 percent for those who drive more than 10,000 but fewer than 40,000 miles/year, and plunged to 26 percent for those who drive 50,000 miles/year or more.

In light of the above, it could have been expected that a majority of those surveyed would be in favor of repealing the 55-mph national speed limit. But the responses to Question 3 brought a surprise: Far more respondents voted to *repeal* the Nmsl than had questioned either its fuel conservation or safety benefits. The totals on Question 3 were:

[In percent]

	April	May
Do you think the 55-mi/h speed limit should be repealed?		
Yes	85	89
No	12	9
Don't know	3	2

Part of the explanation for such lopsided sentiment in favor of repeal is that, while many feel the Nmsl might save some lives or fuel, most believe there are better ways to produce this result than with massive federal intervention. Many feel that the savings obtained are measurably less than the disadvantages entailed, as in such "additional comments" as:

"I believe the speed limit has saved lives and fuel, however not in sufficient amounts to justify the other costs." Or,

"Fifty-five could save some lives, but getting drunk drivers off the road could save many more." Or,

"As an energy-conscious motorist, I feel the government has overstepped its moral and constitutional grounds."

None of the Above

It is clear again in the answers to Question 3 that "miles driven" has an important influence on voter opinion. The smallest plurality in favor of repeal is the 10,000 miles/year-or-less group at 75 percent. This margin rises steadily with higher mileage, reaching an astonishing 98.6 percent for repeal among those who drive as much as 40,000–50,000 miles.

As mentioned earlier, when broken down

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[1] Official speed surveys show that the majority of traffic now exceeds 55 mph, with 70–80 percent of motorists doing so at least part of the time.

[2] R&T, May 1980.

by age groups, those who oppose repeal of the Nmsl most frequently are below age 18 (25 percent "no") and from age 60–64 (32 percent "no"). Those strongest in favor of repeal according to age are:

[In percent]

	For repeal	Opposed
Age:		
18 to 24	85	9
25 to 29	89	9
30 to 34	86	12
35 to 39	91	7
40 to 44	91	7
45 to 49	84	14
50 to 54	89	11
55 to 59	77	22

(With the difference from 100 percent being "Don't Know").

Many readers learned of the 85th percentile method of setting speed limits from "The 55-mph Myth." According to the California Department of Motor Vehicles, "Speed limits established on this basis conform on the consensus of those who drive the highway as to what speed is reasonable and safe, and are not dependent on the judgment of one or a few individuals."[3]

Speed limits set by the 85th percentile result in a more orderly flow of traffic and fewer accidents—a fact that has been withheld from the public by NHTSA, presumably in order to protect the 55-mph speed limit, which is in direct conflict with it. This lack of information probably explains why only 13% of those surveyed in April checked "always" in answer to Question 4: *How often should the 85th percentile principle be used to set speed limits?*

In May, the vote for "always" soared to 31%, reflecting an enormous 130% increase in approval for this known life-saving technique.

Question 6 revealed a sizable loss of confidence in the job being done by the DOT and NHTSA in the areas of vehicle safety, highway safety and fuel conservation. Assessments of federal efforts are highest in the first department, vehicle safety, probably in recognition of several worthwhile mechanical improvements mandated in recent years. The government does less well with respect to highway safety, and poorest of all in the matter of fuel conservation. A summary of results in the three categories of Question 6 looks like this:

[In percent]

	April	May
Has the DOT/NHTSA made a worthwhile contribution to:		
Vehicle safety?		
Yes	44.5	41
No	36.5	43
Don't know	19.0	16
Highway safety?		
Yes	32.5	33
No	42.5	47
Don't know	25.0	20
Fuel conservation?		
Yes	13.0	10
No	65.0	73
Don't know	22.0	17

Reductions in the "don't know" column are large enough to account for the vote shift indicating that the DOT/NHTSA has not improved either vehicle safety or highway safety between "April" and "May." Interestingly, a substantial number remain undecided on both questions.

There is less ambiguity about fuel conservation, where a large majority find the DOT/NHTSA contribution—and presumably that of the Nmsl—to be unsatisfactory.

[3] *State of California Traffic Manual*, DOT, 1977.

OUR READERS GET INVOLVED

Participants in the speed limit survey are willing to do more than complain about the poor performance of government. When asked if they would be willing to pay a 50¢/gal. tax on gasoline with proceeds going to (a) "develop alternative fuels," or (b) "develop mass transit systems," an impressive 23 percent voted for one or the other of these programs.

Another 20 percent show support for "total decontrol of crude oil and pump prices," with a like number indicating a preference for "more car pooling." Least popular are "coupon rationing," 6 percent; "odd-even rationing," 4 percent; and "government takeover of the oil industry," 3.4 percent.

Significantly, the least popular choice of all is "no action," with less than 2 percent of the vote; while "other solutions" command 22 percent, the largest total in any single category. Some recommended solutions are: "Eliminate EPA regulations" . . . "Tax cars with poor fuel economy" . . . "Reduce registration fees for fuel-efficient cars" . . . "Abolish DOE (DOT . . . NHTSA . . . etc.)" . . . "Personal conservation efforts," and, perhaps the most intriguing suggestion of all, "Phase out replacement parts for older model gas-guzzlers."

A similar independence of thought emerges in regard to the role of speed in accidents. Readers show little confidence in the dangerous but popular oversimplification, "Speed kills," and reject it by an even larger margin after learning (in "The 55-mph Myth") that speed is a primary cause in only 5 percent of all fatal accidents. The complete vote on this question (No. 9) was:

[In percent]

	April	May
Is speeding a major contributor to traffic accidents?		
Yes	22	15
No	71	80
Don't know	7	5

On closely related Question 13, *How responsible was the 55-mph limit for the 9000 fewer traffic deaths in 1974?* there was a significant shift in votes following "The 55-mph Myth." Whereas 12% of April responses find the Nmsl "mostly" responsible, only 8% credit it this highly in May. Fifty percent of April balloting gives the Nmsl "some" credit, compared to 44% in May; but the big swing is in the number of voters who say the speed limit is "not responsible" for the reduction in deaths. In April, 38% said "not responsible"; in May, the tally rose to 48%.

Major concern was expressed in "The 55-mph Myth" over the deterioration in relationships "between federal and state governments, between legislators and their constituents, and between the public and their law enforcement officials. . . ." Responses to Question 19 indicate that voters are aware of both the problem and its causes. A large majority, 71% in April and 77% in May, say that relations between police and drivers are "worse." About 25% think there has been "no change," while only 1% believe relations have "improved."

It isn't necessary to look very far for the reason for poorer relations. Readers who think speed enforcement has increased had their suspicions confirmed in "The 55-mph Myth." The answers to Question 17 reflect this heightened awareness:

[In percent]

	April	May
Since the 55-mi/h speed limit was instituted, do you think enforcement has:		
Increased slightly?	27	27
Increased greatly?	38	49
Decreased?	17	12
Not changed?	18	12

In spite of greatly increased enforcement, more motorists are disregarding the Nmsl than ever before. Survey respondents show that they are well aware of this fact in their answers to Question 7: *Does the 55-mph speed limit encourage disobedience of the law?* An overwhelming majority affirmed John Tomerlin's assertion that the Nmsl has "created a nation of scofflaws." More than 85% in April—and 88% in May—answer yes to Question 7; 11.5% and 8%, respectively, say no, with about 3% undecided.

To the directly related Question 8: *What percentage of the public do you think disregards the 55-mph speed limit?* the majority of voters (60%) indicate their belief that most drivers now break the law. Another 20% of those taking part in the sample think the level of disobedience is even higher: all the way up to 100%.

Respondents appear to be quite candid in assessing their own driving habits. Replies to Question 10, essentially unchanged between April and May, are:

[In percent]

	April	May
Did you obey highway speed limits before the 55-mi/h limit was instituted?		
All the time	7.5	7
Most of time	67	66
Some of time	23	24
Never	2.5	3

The majority—54% in April and 52% in May—say they normally drive 55–65 mph on limited-access highways; between one-quarter and one-third say they go 65–75 mph, while only 4% from each sample claim they "usually" drive faster than 75 mph. (Less than 1.5% say they drive slower than 55 mph.)

How many people "usually" stick to the federally sanctioned 55 mph? Of these 20,000 motorists, the answer is less than 7%.

HOW DO R&T READERS DRIVE?

A more detailed picture of the driving habits of those who participated in the survey emerges from Question 12. With responses virtually unchanged in April and May, a substantial majority—58%—say they exceed the Nmsl "most of the time."

Those who exceed 55 mph "some of the time" tally 23%; 17% drive faster "all the time," and only 2% claim never to exceed the limit.

Driving speed proved to be the most age-sensitive category in the questionnaire. When Question 24, "age," was cross referenced with Question 10, "obey the 55-mph speed limit," the results were those shown in Table 1.

TABLE 1.—AGE VERSUS EXCEED 55-MI/H LIMIT

[In percent]

Exceed 55	All of the time	Most of the time	Some of the time	Never
Age group under 18	18	41	23	18
18 to 24	11	64	21	4
25 to 29	7	67	23	3
30 to 34	5	67	26	2
35 to 39	4	65	27	4
40 to 44	6	66	25	3
45 to 49	9	69	20	2
50 to 54	10	74	14	2
55 to 59	9	66	25	0
60 to 64	18	68	14	0
65 plus	0	81	19	0

The distribution on this table is symmetrical and self-consistent, conforming closely to several commonly accepted indicators of traffic behavior. Although those under 18 are under-represented in this survey, it is ominous to note this group's extremely high ranking, both in full compli-

ance and total rejection of the Nmsl. What this means in terms of future attitudes toward safety and traffic authorities should be a matter for concern.

There is, as might be imagined, a certain lack of enthusiasm for stiffer fines or penalties for violating the Nmsl. Question 14 asked: *How many convictions for this offense should be grounds for losing one's license?* Balloting shows some tolerance (28% of the answers) for 2 convictions, but none at all for any lesser number. By far the most frequent response to this question—63% in April and 71% in May—is for "other," with agreement that Nmsl violators should not be penalized at all but drunk or reckless drivers should pay the full penalty of the law, while others should be excused.

Few are in favor of punishing Nmsl offenses by adding points to licenses—only 16%—while 80% prefer a fine but no points. The amount of fine most voters suggest would not please the authorities, though: more than one-third of the returns name $5 as the appropriate penalty, while another 23% prefer a warning or suggest fining gas-guzzlers but not fuel-efficient cars. There is scattered support, about 17% in each case, for fines of either $10 or $25, but little acceptance for any higher penalty.

In fact, about the same number of votes (8%) are cast for fines larger than $25 as there are readers who claim never to exceed the Nmsl...

WHO IS IN FAVOR OF 55?

Opinions on what constitutes a safe and reasonable speed on freeways, thruways, interstates and other limited-access highways vary widely. Given the size of the sample, this diversity could be expected; what had not been anticipated is the decisive plurality in favor of setting speed limits—both urban and rural—according to "conditions."

The popularity of setting limits as a consequence of actual road conditions increased radically, statistically speaking, after publication of "The 55-mph Myth" (see Table 2).

TABLE 2

[In percent]

	April		May	
	Urban	Rural	Urban	Rural
Preferred speed limit on limited-access highways should be:				
45 mi/h	1.5	0.5	1	0.5
55 mi/h	20.5	7.0	16	6.0
65 mi/h	20.0	13.0	16	7.0
70 mi/h	8.0	16.0	6	15.0
75 mi/h	2.0	10.5	2	10.0
80 mi/h	.5	4.5		3.0
Unlimited	1.5	11.0	1	10.0
Set according to conditions	44.0	34.0	56	48.0
Other	4.0	4.0	2	.5

It is interesting that the 6–7 percent who favor a 55-mph speed limit on "rural" highways is the same percent saying it "always" obeyed the speed limit in Question 8. Here, as in other respects, the responses to the R&T "Speed Limit Questionnaire" show an impressive inner consistency.

Given the size of the sample and the obvious lack of widespread support for, or acceptance of, the 55-mph speed limit, it seems reasonable to ask: Who still supports it? Part of the answer may lie in the fact that, as has been seen, attitudes toward the Nmsl are highly "age sensitive." In all major categories, "saves lives," "saves fuel," "should be repealed," the older the respondent, the more likely that he/she will support the 55-mph speed limit.

And, of course, those who make the laws in this country tend to fall into the higher age brackets.

Many people will study this survey and be satisfied to know where they rank in the broad spectrum of opinion represented, or to learn what the majority of drivers think or do. For those with a professional interest in traffic safety, the data may be of even greater interest. For there are answers implicit in this study to such crucial questions as: Is the 55-mph National maximum speed limit working to save fuel or lives? (It is not.) What are the prospects for imposing the Nmsl by force on an intelligent and informed public? (Virtually nonexistent.) Are there better means for saving energy and improving safety than a national speed limit? (An overwhelming majority believes there are.)

Whether the answers are taken to heart by those in positions of authority is another question.

Mr. President, I quarrel here, not so much with the merits of the 55-mile-per-hour speed limit, but with the argumentation it produces. I suggest that we rid ourselves of this burden, and return the right of setting maximum speed limits to the States.

I ask that the text of the bill be printed in the RECORD.

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

S. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 141 of title 23, United States Code, is amended—

(1) by striking out subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) by striking out "subsection (b)" in paragraphs (1) and (2) of subsection (a), as redesignated by clause (2) of this subsection, and inserting in lieu thereof "subsection (a)".

(b) Section 154 of such title is repealed.

SEC. 2. The amendments made by the first section of this Act shall become effective as of October 1, 1980.

By Mr. HAYAKAWA (for himself and Mr. DECONCINI):

S. 55. A bill to establish provisions governing the day and time for the election of electors of the President and Vice President; to the Committee on Rules and Administration.

S. 56. A bill to establish provisions governing the day and times for the election of electors of the President and Vice President; to the Committee on Rules and Administration.

S. 57. A bill to establish temporary provisions governing the day and times for the elections of Senators, Members of the House of Representatives, and electors of the President and Vice President; to the Committee on Rules and Administration.

S. 58. A bill to restrict the release of results from Presidential elections until all the polls are closed; to the Committee on Rules and Administration.

LEGISLATION RELATING TO ELECTION DAY AND TIME FOR CLOSING OF POLLS

Mr. HAYAKAWA. Mr. President, on election day, November 4, 1980, while many people in our Western States were waiting to cast their votes for our country's next President, word was received that President Carter had conceded the election to Ronald Reagan. A great many of these potential voters turned around and went home.

Several Members of Congress may have lost their bids for reelection because those people failed to vote.

One of the most important privileges we Americans have is the right to cast a vote for our choice of candidates for the office of President. The results of that race often have a substantial effect on the races for the House and Senate, which are decided on the same day. The practice of projecting the Presidential winner on the basis of 1 or 2 percent of the returns certainly does not create a climate which best insures a fair election and maximum participation in the election process. But at present we find the press telling us who has won the Presidential race after receiving only a tiny fraction of the actual returns.

Part of our problem this past election day came from the polls taken by the television networks of voters who had just finished casting their ballots. We cannot prevent the press from taking this kind of poll, nor can we stop them from making predictions based on such a poll. But we can keep the press from having access to any actual election results until everyone has had the opportunity to vote. At least in this way each voter would be assured that early predictions were based only on conjecture.

I wish the news media were willing to curtail their own guesswork activities and join us in the attempt to encourage every voting age citizen to participate in the election process. However, what we have today is a race between the major television networks which has overshadowed the importance of the race for the Presidency.

Our problems November 4 were not new; we first had trouble when early election results were broadcast in 1960. In the years since 1960 several bills have been introduced in Congress to deal with the problem, but a solution has never been enacted. It is time we woke up and faced the reality of the situation; it is time to enact a solution.

Because of the seriousness of this problem, on November 18 I offered not one, but four different proposals for a solution. Today my colleague from Arizona and I are reintroducing those bills. Each one provides the means to make the results from the Presidential race available at the same time across the country. We are offering four different measures in order to insure that the possible solutions are each given thorough consideration, to insure that any potential problems are thoroughly aired, and to allow the selection of a solution which will best serve our country's needs.

Two of the bills set an hour for all the polls across the country to close simultaneously. Certain Western States would have additional voting hours on the preceding Monday evening to insure that all States have a total of 12 hours for voting. One proposal changes election day to Sunday, with all the polls opening and closing simultaneously. The remaining bill requires that the results of

the Presidential race be embargoed until all the polls across the country have closed.

Each of these bills offers a workable solution to the problem that we faced on November 4. We cannot allow the continuation of the current situation when it causes a person to turn away from the polls because his vote has become meaningless.

In recent years we have witnessed a declining number of the people who are eligible to vote make that simple effort. This is the only opportunity many people have to participate in their own governing process. This participation is guaranteed by our Constitution; it is up to us to insure that the guarantee is meaningful.

By Mr. BIDEN:

S. 59. A bill to amend the Congressional Budget Act of 1974 to terminate certain existing entitlement authority and prohibit new entitlement authority, to terminate certain existing permanent budget authority and prohibit new permanent budget authority, to provide that the new budget authority can be available for outlays only for a single fiscal year, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, by unanimous consent pursuant to the order of August 4, 1977.

CONGRESSIONAL BUDGET ACT AMENDMENTS OF 1981

● Mr. BIDEN. Mr. President, in its efforts to reduce spending, the Congress is always haunted by the uncontrollable spending in the Federal budget. These are a variety of programs that under existing laws spend money automatically, without any annual review or action by Congress. They do not depend on the annual review of the budget and appropriation process for their funds and thus these opportunities for control are lost.

The legislation I am introducing today seeks to bring this so-called uncontrollable spending under control. Controlling the uncontrollables would require that virtually all future actions that commit the Federal Government to spending must be approved in an appropriation bill. My bill would eliminate permanent appropriations that authorize spending forever with no further action by Congress. It would require that spending for each year be approved in an appropriation bill for that year—thus wiping out billions of dollars of authority to spend that carry over from year to year, bloating the Federal budget. It would not allow any money to be committed until it had been appropriated, bringing under control much backdoor spending through entitlements, loan guarantees, contract authority and borrowing authority. There are certain exceptions for social security programs.

Under this bill, each year there would be a congressional budget setting forth the major spending priorities, not just for the coming year but for 5 years. And it would no longer be inhibited by tagging certain expenditures as uncontrollable.

And then, the Appropriations Committees would go over the budget line by line. But now it would be the whole budget, all the new spending for the next year. And they could cut almost anything. Obviously, we would normally want to honor previous commitments and ongoing activities, but we would now have the option of bringing them to a halt. This is no panacea. It alone will not balance the budget. But combined with other spending reforms, it will accomplish much toward reducing Federal spending and holding down inflation.

Just two statistics, Mr. President, can demonstrate the fiscal problem that uncontrollable spending presents. Although the problem is not new, it is certainly growing larger. At the beginning of this decade, the uncontrollable spending in the 1970 budget was estimated at 64 percent of the total. In dollars, this uncontrollable spending represented about $125 billion. The 1981 budget, which will start the next decade, is expected to be inflated by about $500 billion in uncontrollables, more than 75 percent of the total budget.

The problem of Federal budget control is summed up well in a paragraph from a study prepared for the House Budget Committee by Allen Schick of the Library of Congress. Entitled, "Congressional Control of Expenditures" it comments on the loss of congressional control (page 61):

> Over the years, Congress has lost bits and pieces of budgetary control through an assortment of legislative and executive actions. An expedient in one case establishes a precedent for another. Whatever the special circumstances which justified the first use of a new practice, it is hard to resist later extensions to other situations. If already existing experiences cannot be extended to new circumstances, legislative or executive minds will fertilely devise new ones. Under the stress of spending pressures, isolated fissures in the wall of budget control merge into massive gaps, undermining the ability of Congress to govern the purse.

The issues surrounding budget control of Federal spending are complex, as is the law governing it. Budget control is an important issue, particularly in these days of high deficits and high inflation. However, in enacting legislation Congress is almost always seeking other goals in addition to cost controls. Clearly, the Federal Government must meet its contractual obligations and pay the interest on its debt. It does not want retired persons to go through long periods of uncertainty as to whether pensions they had been promised will be forthcoming. It does not want to create massive uncertainty regarding Federal action among the business and financial communities. It wants local governments to be able to budget with some certainty as to Federal action affecting them. It wants to respond quickly to emergencies. But the Federal Government does not want these things to the point where it loses all control over its own financial destiny.

Congress has allowed the pendulum to swing too far toward certainty of Federal action, away from fiscal control and responsibility. It is time for a reasonable reversal. The Congressional Budget Act of 1974 was a major swing in the right direction. I believe that enactment of the bill I offer today will strengthen the operation of that legislation. I believe this bill, Mr. President, represents the next logical step toward more responsible Federal budgetary control.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 59

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 "Congressional Budget Act Amendments of 1981".

SEC. 2. (a) Title IV of the Congressional Budget Act of 1974 (2. U.S.C. 1351–1353) is amended by striking out section 401 and inserting in lieu thereof the following new sections:

"NEW SPENDING AUTHORITY

"SEC. 401. (a) NEW SPENDING AUTHORITY SUBJECT TO APPROPRIATIONS ACTS.—It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment which provides new spending authority unless that bill, resolution, or amendment also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

"(b) DEFINITIONS.—For purposes of this section—

"(1) The term 'new spending authority' means spending authority not provided by law on the effective date of section 2 of the Congressional Budget Act Amendments of 1981, including any increase in or addition to spending authority provided by law on such date.

"(2) The term 'spending authority' means authority (whether temporary or permanent)—

"(A) to enter into contracts under which the United States is obligated to make outlays, the budget authority for which is not provided in advance by appropriation Acts;

"(B) to incur indebtedness (other than indebtedness incurred under the Second Liberty Bond Act) for the repayment of which the United States is liable, the budget authority for which is not provided in advance by appropriation Acts;

"(C) to make payments (including loans and grants), the budget authority for which is not provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law;

"(D) to insure or guarantee on behalf of the United States the repayment of indebtedness incurred by another person or government, the budget authority for which is not provided in advance by appropriation Acts; and

"(E) to obligate the United States by any other means to make outlays, the budget authority for which is not provided in advance by appropriation Acts.

"NEW PERMANENT BUDGET AUTHORITY

"SEC. 401A. (a) PROHIBITION OF NEW PERMANENT BUDGET AUTHORITY.—It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment which provides new permanent budget authority.

"(b) DEFINITIONS.—For purposes of this section—

"(1) The term 'new permanent budget authority' means permanent budget authority not provided by law on the effective date of section 2 of the Congressional Budget Act Amendments of 1981, including any increase in or addition to permanent budget authority provided by law on such date.

"(2) The term 'permanent budget authority' means budget authority provided for an indefinite period of time or an unspecified number of fiscal years which does not require recurring action by the Congress.

"NEW BUDGET AUTHORITY TO BE PROVIDED FOR SINGLE FISCAL YEAR

"SEC. 401B. It shall not be in order in either the House of Representatives or the Senate to consider any bill, resolution, or amendment which provides new budget authority which is to be available for outlays therefrom during any fiscal year or other period after the close of the fiscal year for which such new budget authority is provided.".

(b) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 401 and inserting in lieu thereof the following:

"Sec. 401. New spending authority.
"Sec. 401A. New permanent budget authority.
"Sec. 401B. New budget authority to be provided for single fiscal year.".

(c) Section 303(a) of the Congressional Budget Act of 1974 (31 U.S.C. 1324(a)) is amended—

(1) by inserting "or" at the end of paragraph (2);

(2) by striking out "or" at the end of paragraph (3); and

(3) by striking out paragraph (4).

(d) Section 309 of such Act (31 U.S.C. 1330) is amended to read as follows:

"COMPLETION OF ACTION ON BILLS PROVIDING NEW BUDGET AUTHORITY

"SEC. 309. Except as otherwise provided pursuant to this title, not later than the seventh day after Labor Day of each year, the Congress shall complete action on all bills and resolutions providing new budget authority for the fiscal year beginning on October 1 of such year, other than supplemental, deficiency, and continuing appropriation bills and resolutions, and other than the reconciliation bill for such year, if required to be reported under section 310(c). The preceding sentence shall not apply to any bill or resolution if legislation authorizing the enactment of new budget authority to be provided in such bill or resolution has not been timely enacted.".

(e) Section 310(a)(1) of such Act (31 U.S.C. 1331(a)(1)) is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) by striking out "and" at the end of subparagraph (B); and

(3) by striking out subparagraph (C).

(f) Section 311(a) of such Act (31 U.S.C. 1332(a)) is amended by striking out ", providing new spending authority described in subsection 401(c)(2)(C) to become effective during such fiscal year,".

(g) Section 402 of such Act (31 U.S.C. 1330) is amended—

(1) by inserting "or provides new spending authority to become effective during a fiscal year" after "for a fiscal year" in subsection (a); and

(2) by striking out subsections (e) and (f).

(h) This section shall take effect on the first day of the Ninety-eighth Congress.

SEC. 3. (a) Title VI of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new section:

"TERMINATION OF CERTAIN SPENDING AUTHORITY AND PERMANENT BUDGET AUTHORITY; SINGLE-YEAR NEW BUDGET AUTHORITY

"SEC. 608. (a) Effective with respect to the fiscal year beginning on October 1, 1983, and succeeding fiscal years—

"(1) all spending authority (as defined in section 401(b)(2) of the Congressional Budget Act of 1974) which is provided by law on the effective date of section 2 of the Congressional Budget Act Amendments of 1981 shall be effective only to the extent that new budget authority therefor is provided in appropriation Acts;

"(2) all provisions of law providing permanent budget authority (as defined in section 401A(b)(2) of the Congressional Budget Act of 1974) shall cease to be effective for the purpose of providing such budget authority; and

"(3) new budget authority which is provided for any fiscal year shall not be available for outlays therefrom after the close of such fiscal year.

"(b) EXCEPTIONS.—

"(1) Paragraph (1) of subsection (a) shall not apply to spending authority described in section 401(b)(2)(C) provided by the Social Security Act on the effective date of section 2 of the Congressional Budget Act Amendments of 1981.

"(2) Paragraph (2) of subsection (a) shall not apply to permanent budget authority (as in effect on the effective date of section 2 of the Congressional Budget Act Amendments of 1981) for—

"(A) payments to or from a trust fund established by the Social Security Act, but only to the extent provided by such Act on such effective date;

"(B) payments of interest on obligations constituting a part of the public debt of the United States; or

"(C) payments of refunds of internal revenue collections, but not including payments to any person in excess of his tax liability under the internal revenue laws.".

(b) The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting the following after the item relating to section 607:

"Sec. 608. Termination of certain spending authority and permanent budget authority; single-year new budget authority.".

SEC. 4. (a)(1) Clause 1(b)(4) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(4) The extent or amount of spending authority (as described in the Congressional Budget Act of 1974) that is to be effective for a fiscal year.".

(2) Clause 4(a) of such rule is amended by striking out subparagraph (2).

(b) Paragraph 1(b) of rule XXV of the Standing Rules of the Senate is amended by striking out subparagraphs 3 and 4 and inserting in lieu thereof the following:

"3. The extent or amount of spending authority described in section 401(b) of the Congressional Budget Act of 1974 that is to be effective for a fiscal year.".

SEC. 5. Sections 2 and 4 of this Act (and the amendments made by such sections) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.●

By Mr. BUMPERS:

S. 60. A bill to establish competitive oil and gas leasing and modify leasing procedures for onshore Federal lands; to the Committee on Energy and Natural Resources.

FEDERAL OIL AND GAS LEASING ACT OF 1981

● Mr. BUMPERS. Mr. President, today I am introducing S. 60, a bill which will reform the Federal onshore oil and gas leasing system.

This bill is identical to S. 1637, which was favorably reported out of the Senate Committeee on Energy and Natural Resources in the 96th Congress. It is designed to assure a fair return to the public for development of its resources, reduce speculation, assure diligent development of oil and gas leases, and simplify leasing procedures to promote rapid development of oil and gas on Federal lands.

Under the existing system, only about 3 percent of Federal leases are sold competitively. Regardless of the fair market value of the tracts, the remainder are sold noncompetitively for an annual rental of $1 an acre for 10 years without any obligation to drill. In 1979 the Department of Interior issued only 319 leases covering 62,608 acres competitively. In the same year, 10,530 leases covering 12,980,128 acres were leased noncompetitively.

Noncompetitive leases are issued in two ways. Lands which have never been leased for oil and gas are leased to the first person filing an application. Lands which have been previously leased for oil and gas are available through a filing system which treats all applications filed within a certain period as having been filed simultaneously. The winner of the lease is chosen by lottery. Both systems are subject to the Secretary of the Interior's discretion not to lease at all.

Last year, the Secretary of Interior suspended oil and gas leasing on Federal lands because a Justice Department investigation disclosed fraudulent activity in the lottery and the over-the-counter systems on a scale never imagined by some of the most persistent critics of the existing system. Although noncompetitive leasing will be resumed later this month under new regulations, fraudulent activities are likely to continue until these valuable resources are sold on a competitive basis.

An egregious example of the problem with the current system occurred in the summer of 1979 when the Department leased over 30,000 acres in Fort Chaffee, Ark., for only $1 an acre. The acreage was in the middle of a known gas field, land already producing gas. In testimony before the Senate Subcommittee on Energy Resources and Materials Production, experienced oil and gas men testified that some of the Fort Chaffee acreage could have been leased for $500 an acre. The most conservative estimates are that the lease would have

brought between $10–$14 million if it had been competitively bid.

The overthrust belt, consisting of about 20 million acres, is considered the most promising area of the country for developments of oil and gas. Yet under the existing system, 12 million acres have already been leased for $1 an acre.

The advertising literature of filing service companies, which were created solely to take advantage of the present lottery system, is filled with examples of people who won noncompetitive leases and paid $1 an acre only to assign them for immediate cash bonus payments and future royalties. Information supplied by the Department of the Interior at hearings on S. 1637 showed that a lessee received $200,000 plus future royalties for a lease obtained from the Federal Government for $2,157, plus a $10 filing fee.

The argument has been made by opponents that a more competitive system will add unacceptable front-end costs which will impair exploration. These costs are not new or additional. They exist on every lease and are met by every operator who eventually gains a lease. Instead of competing for an assignment from a lease under a noncompetitive system, operators will be competing for the initial lease itself under a more competitive system.

Arguments are made that independents, who indeed do most of the exploring in this country, will be cut out. Yet, of the leases competitively bid, both by the United States and the States, independents have consistently gotten over 80 percent of them.

Existing law does not require diligent development of oil and gas leases. The Department of Interior estimates that most oil and gas leases are never drilled and those which are drilled are not developed until the last 2 years of the 10-year primary term. Based on the number of outstanding leases in 1979 and the number of wells actually drilled, it is estimated that only 1.3 percent of outstanding leases were drilled.

This bill contains a more stringent diligence requirement for exploring and developing leased tracts, provides for more flexibility in setting royalty rates on all tracts to be leased, permits the leasing of tracts of a larger size more capable of being explored and developed, and gives the Department greater authority to control speculative lease assignments. The competitive leasing system required by this legislation contains all the reforms necessary to insure an efficient, effective and equitable leasing program which will be most responsive to our need for prompt exploration for, and development of, our Nation's remaining oil and gas resources.

At a time when every effort is being made to balance the budget and increase energy production, the noncompetitive leasing system is an anachronism. It is rife with invitations to fraud and inequities. Most major oil and gas producing States in the Nation have a competitive leasing system. Why should the United States let its lands by lottery? The law must be changed immediately, and this bill should be given the highest priority on the Senate agenda.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

S. 60

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 "Federal Oil and Gas Leasing Act of 1981."

SEC. 2. Subsections (a) through (e) of section 17 of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (30 U.S.C. 226(a) through (e)), are amended to read as follows and subsection 17(f) and following are relettered accordingly:

"SEC. 17. (a) The Secretary may lease onshore Federal lands for oil and gas development by competitive bidding only. Competitive bidding shall be on the basis of those bidding systems set forth in section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1335), which the Secretary determines would maximize competition.

"(b) At least once each quarter, the Secretary shall invite the public nomination of areas favorable for the discovery of oil or gas. Any area of the public domain that receives two or more public nominations and which the Secretary determines to be available and suitable for oil and gas leasing shall automatically be offered for lease by the Secretary at one of the next two scheduled lease sales. Any area of the public domain that receives a single nomination in two successive quarters which the Secretary determines to be available and suitable for oil and gas leasing shall automatically be offered for lease by the Secretary at one of the next two scheduled lease sales.

"(c) The Secretary shall hold competitive oil and gas lease sales in states where tract nominations are received, on a quarterly basis. Such sales shall consist of all available and suitable tracts nominated for leasing as specified in section 17(b) and any additional areas selected by the Secretary of Interior.

"(d) The Secretary shall issue a lease to the highest responsible qualified bidder for each tract offered at a lease sale.

"(e) No lease issued under this section shall be for a tract exceeding five thousand one hundred and twenty acres, unless the Secretary finds that a larger area is necessary to comprise a reasonable economic unit.

"(f) Each lease that the Secretary issues under this section shall be for an initial period of five years and so long thereafter as oil or gas is produced in paying quantities or drilling or well reworking operations as approved by the Secretary are conducted thereon. A lessee may apply to extend the initial term for an additional period or periods not to exceed a total of five years. Each extension application shall include an exploration plan for the extended term. The Secretary, in his discretion, may extend the initial term only if he finds that because of adverse technical, environmental or economic conditions which are beyond the control of the lessee, the lessee cannot adequately explore the lease during the initial five year term or any extended term. Nothing in this subsection shall be construed as affecting existing leases.

"(g) All leases issued under this section shall be conditioned upon payment by the lessee of a rental or not less than $2 per acre each year of the lease. Each year's lease rental shall be paid in advance. A minimum royalty of $4 per acre in lieu of rental shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.".

SEC. 3. Action taken by the Secretary pursuant to the bidding, nomination, and lease procedures of subsections (a), (b), and (c) of section 17 of the Act of February 25, 1920 (U.S.C. 226 (a) through (c)), shall not be considered "major Federal actions" for purposes of implementing section 102 of the National Environmental Policy Act. Nothing in this subsection shall be construed as affecting the application of section 102 of that Act to the issuance of a lease under section 17.

SEC. 4. Section 30(a) of the Act of February 25, 1920 (30 U.S.C. 187a) is amended by striking the third sentence and inserting in lieu thereof "The Secretary shall disapprove the assignment or sublease only for lack of qualification of the assignee or sublessee or for lack of sufficient bond: *Provided, however.* That the Secretary may, in his discretion, disapprove an assignment (1) of a separate zone or deposit under any lease, (2) of less than six hundred and forty acres, or (3) containing an overriding royalty which exceeds limitations established by regulations.".

SEC. 5. The Secretary shall prescribe such rules and regulations, or amendments to existing rules and regulations, as may be necessary to reflect the amendments made by this Act within one hundred and eighty days after the date of enactment of this Act.●

By Mr. SASSER:

S. 61. A bill to reduce Federal travel and consultant costs, and to improve Federal debt collection procedures; to the Committee on Governmental Affairs.

REDUCTION OF FEDERAL TRAVEL AND CONSULTANT COSTS

● Mr. SASSER. Mr. President, I rise to introduce legislation to reduce nonessential travel and consultant costs, and to improve the woefully inadequate Federal debt collection operations.

Mr. President, in fiscal year 1981, the Federal Government has budgeted $8.9 billion for travel and transportation of Federal employees. In addition, $3 billion to $5 billion will be spent on consultants. Recent testimony by representatives of the Office of Management and Budget indicates that the Federal Government is owed $175 billion. Of that amount $47 billion is currently due and $25 billion is delinquent. The sum of $6 billion has been set aside for bad debts and $1 billion was written off in fiscal year 1979 alone.

OMB testimony also indicates that up to $16 billion could be cut from the Federal deficit if the Federal Government would conduct a more vigorous and effective effort to collect its debts.

In order to address this situation, I am sponsoring this legislation (S. 61) which would require cutbacks in nondefense travel by Federal employees, reductions in consultant costs, and more vigorous efforts to collect Federal debts. The proposed legislation sets a goal of $2 billion in savings to be achieved through these measures, which seems particularly modest in view of testimony that indicates that $16 billion could be

collected in delinquent debts through more vigorous collection efforts.

Mr. President, as the sponsor of this legislation, which requires reductions in the Federal Government's fiscal year 1981 expenditures for travel and transportation and the use of experts or consultants, and requires agencies to intensify efforts to improve the collection of debts owed to the Federal Government, I would like to clarify that the provisions of this legislation are not intended to apply to the power program of the Tennessee Valley Authority. This is consistent with the treatment of TVA's power program under last year's travel and transportation restrictions. The TVA power program operates on a totally self-financing basis and receives no appropriations; its proposed expenditures are presented in conjunction with the President's budget solely for informational purposes.

I also want to make it absolutely clear that this legislation is in no way intended to diminish in any degree the intelligence-gathering activities or combat readiness of the Armed Forces.

Mr. President, this legislation is identical to section 156 of House Joint Resolution 637, which I proposed, and which was agreed to in conference. The conference report on House Joint Resolution 637 was then approved overwhelmingly by both Houses of Congress, but failed of enactment in the last days of the 96th Congress because of an extraneous issue. It is my hope that this legislation will again receive the support of my colleagues so that this legislation may be enacted and the $2 billion in savings achieved.●

By Mr. RANDOLPH:

S. 63. A bill to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization; to the Committee on Environment and Public Works.

STEEL INDUSTRY COMPLIANCE EXTENSION ACT OF 1981

● Mr. RANDOLPH. Mr. President, I introduce today legislation to amend the Clean Air Act. This legislation has been developed as a proposal of the Steel Tripartite Committee to help revitalize the American steel industry.

The Steel Tripartite Committee consisted of representatives from Government, the steel industry, and labor. There also was participation by the environmental community. We propose an extension for compliance with certain requirements of the Clean Air Act only if the steel industry promises to invest the money saved by deferral of expenditures on pollution control equipment in the modernization of its facilities.

The amendment was the subject of a hearing, which I chaired, before the Environment and Public Works Committee last year. At that time representatives from National Steel Corp., the Environmental Protection Agency, the United Steelworkers of America, the Natural Resources Defense Council, and the Office of Technology Assessment gave testimony.

The subject matter of this proposal has been agreed to by the Environmental Protection Agency, the United Steelworkers of America, the Natural Resources Defense Council and several steel companies. This stretchout is supported by President Carter, and I believe it has been endorsed in principle by President-elect Reagan.

The Committee on Environment and Public Works expects to consider numerous proposals to amend the Clean Air Act this year. I hope that committee members will give early attention to the bill I introduce with the helpful cosponsorship of Senators GLENN, HEINZ, and LUGAR, all of whom serve with me as members of the Senate Steel Caucus.

CLEAN AIR ACT MODIFICATIONS NECESSARY TO MAINTAIN EMPLOYMENT IN DOMESTIC STEEL INDUSTRY, ENHANCE INTERNATIONAL COMPETITIVENESS OF AMERICAN STEEL INDUSTRY

Mr. HEINZ. Mr. President, I rise today to offer, along with my distinguished colleague from West Virginia, legislation that would amend the Clean Air Act to insure that timely compliance with air quality standards does not jeopardize the ability of the American steel industry—in which 54,000 workers are already jobless and another 15,000 on short weeks—to make the capital investments necessary to preserve American jobs and compete with foreign producers.

This legislation is supported by both the outgoing and incoming Presidents and reflects a consensus agreed to by the Steel Tripartite Advisory Committee, including the American Iron and Steel Institute, the International Steelworkers Union, EPA and other agencies, and representatives of the environmental community. In view of the consensus favoring this legislative change, I would hope that its enactment will be swift.

Briefly, this legislation would grant the EPA Administrator the discretionary authority to enter into consent decrees with individual iron and steel producers establishing a schedule for extending compliance with Clean Air Act requirements by up to 3 years beyond the current statutory deadline of December 31, 1982. Any stretchout of pollution control requirements would have to be accompanied by a modernization of existing facilities to improve productivity and efficiency.

Not only would modernization of facilities in many cases result in cleaner operations, the stretchout could only be granted if it would not significantly reduce air quality in the area. And, of course, air quality standards would still have to be met no later than December 31, 1985. As an added inducement for firms to proceed as scheduled with the plant modernizations and pollution abatement expenditures prescribed in such consent decrees, monetary penalties would be imposed for noncompliance with the terms of the consent decree.

By stretching out compliance with Clean Air Act requirements, this legislation will insure that pollution abatement expenditures do not jeopardize the ability of firms to finance replacement of obsolete facilities and expand productive capacity—thereby creating more jobs, increasing productivity, improving the competitiveness of the American goods at home and abroad, and reducing inflation.

As an example of the economic burden imposed by pollution control requirements, in my native Monongahela Valley in Pennsylvania, one company alone, U.S. Steel Corp., has already spent $400 million on environmental controls. As socially desirable as this expenditure may have been, and as desirable as the additional pollution abatement investments required by law may be, none of this investment will help produce an additional ounce of coke or steel.

In the steel industry as a whole, the capital shortfall forecast for the coming years—unless environmental control compliance requirements are stretched out—bodes ill for the future of domestic producers. Although an Arthur Little study forecast annual capital needs for the industry of some $7 billion, to finance plant modernization and pollution abatement required by law, the industry was projected to be able to generate only $3 to $3.5 billion annually for such purposes. Because pollution abatement expenditures are required by law, the impact of this impending capital shortfall is clear.

As an additional example of the impact of environmental expenditures on the steel industry, I ask unanimous consent that there be inserted in the RECORD recent journal articles.

In closing, Mr. President, I hope that my colleagues on the Environment and Public Works Committee and in the Senate as a whole will make passage of this measure a top priority.

The article follows:

[From the Washington Report, Apr. 14, 1980]

PITTSBURGH'S POLLUTION DECISION

(By Nick Thimmesch)

The steel industry is fretting plenty these days over what the Allegheny, Pa., County Board of Commissioners will do with a proposal to change that county's clean-air standards. If the board swings toward the tendencies of the Environmental Protection Agency, the steelmakers argue that operating in the Pittsburgh area—and possibly in other steel centers as well—will be very difficult.

Egads, Pittsburgh without steel? That seems as unlikely as Pittsburgh without championship sports teams. But the financially strapped steel industry is concerned that the exorbitant cost of cleaning up that last five percent of air pollutants—with questionable health benefits—would push the industry into an uncompetitive position.

Once, Pittsburgh was 'Darkness At Noon,' but that was a long time ago. Today, Pittsburgh air seems as clean as any in the nation, but according to EPA, the county air standards do not conform to the 1977 amendments to the Federal Clean Air Act. Moreover, EPA classifies Allegheny County as a "nonattainment area," meaning industry cannot expand in the county.

Now the steel companies say they want to build new facilities in Pittsburgh and other industries say they are ready to do the same. U.S. Steel Corp. Chairman David Roderick says that his firm is ready to replace the old open-hearth shop at Homestead with a new, basic oxygen facility and also is ready to install a new caster at another Monongahela Valley plant—providing the county modifies its plan to comply with the Clean Air Act and that U.S. Steel can modify its 1979 consent decree with the EPA.

SPEND MILLIONS

That 1979 agreement would require a $400-million environmental expenditure by U.S. Steel, the biggest single outlay in the history of such negotiations. Smaller manufacturers are hit proportionately just as hard as the big ones on environmental costs and sometimes scream even louder.

Since Pittsburgh lost 30,000 manufacturing jobs (mostly in smaller firms) between 1970–79, some doomsayers claim it could become another Youngstown.

The larger, national issue here is whether the steel industry can afford to spend $4 billion in constant 1978 dollars through 1985 to comply with the 1972 air-quality and 1984 water-quality deadlines. The industry estimates that this cost will add $20 to $30 per ton to the cost of raw steel production and that federally required capital spending for environmental controls is now at 25 percent of all industry capital expenditures. As of Jan. 1, 1979, the steelmakers spent $6 billion to comply with air and water standards, raising the air-pollution-free level to 95 percent.

DOUBTFUL BENEFIT

The argument is now made that raising the level to 98 or 99 percent will cost as much as the first 90 percent. No less an environmentalist than William D. Ruckelshaus, once cursed by some industrialists for clamping down on pollsters when he was EPA's first director, now challenges whether the aggravation and expense of achieving absolute conformance to standards is worth the actual health benefits.

"It is clear that as cleanup costs escalate out of sight," Ruckelshaus declared in a 1979 speech, "with hundreds of millions of dollars spent for no benefits, this thing has become insane. The public winds up paying for something of highly doubtful benefit.

"Are clean-air standards worth the candle? I don't know and I submit neither does anyone else. We have no credible universally accepted process to arrive at a common data base."

Environmentalists argue that the last five percent is critical because the pollution contains fine particulate matter which can be drawn deep into the lungs and is retained longer. "What you can't see," says Robert Rauch, a lawyer for the Environmental Defense Fund, "can hurt you. Fine particulates from steel mills and electric utilities are insidious."

COULD AFFECT OTHER AREAS

And so the debate rages in Pittsburgh. The steel companies are afraid that if they lose the Allegheny County battle, those standards will also be imposed on them in Chicago, Buffalo, Cleveland and Detroit. A battle is already enjoined in Utah, where EPA has charged that U.S. Steel's Geneva Works is not preparing sufficiently for compliance with the 1982 clean-air standards and should spend $177 million on pollution control equipment instead of the $50 million contemplated.

What is interesting in Utah is that both U.S. senators and the state's two representatives are backing the steel company against the government on the basis that the Geneva Works is vital to the state.

SHORTFALL EACH YEAR

National Steel Chairman and CEO George Stinson says the industry now needs up to $7 billion a year to replace and modernize present plants and to install and pay for environmental controls. "Even in good years," he says, "we can generate only $3 to $3.5 billion for these purposes, so there's shortfall."

Between 1972 and 1977, the industry's capital spending was far less than its world competition. "We can compete because we're still efficient," Stinson says, "but we've got to be relieved of environmental costs that achieve no health gains and only hold back overdue modernization."

Big Steel in America is cutting back on plants and employment. We should be moving ahead in both areas. Ironically, the urge which prompted America to plunge into environmentalism is the same urge which earlier sparked the building of our once-marvelous industrial engine.

ADVERSARY SITUATION

That same vigor has caused the pursuit of pollution control to become an adversary situation which can turn fierce—the kind which rubs feelings raw, discourages enterprise and often causes firms to lose competitive advantages in world markets.

Other nations seem to be able to resolve their environmental and safety requirement differences by conciliation or arbitration. Other nations, particularly the Japanese, are increasingly tough competition for U.S. manufacturers.

What goes on in those meetings of the Allegheny County Board of Commissioners between now and June 1, when they must come up with a final plan for the Pennsylvania Department of Environmental Resources—which must submit the plan to EPA—will have much to do with how steel and other industries will be able to do business in the 1980's.

[From the Green Bay (Wis.) Press Gazette, Mar. 21, 1980]

ENVIRONMENTAL ZEAL THREATENS STEEL FIRMS

(By Louis Rukeyser)

NEW YORK.—Pollution is bad.

Right?

And therefore anything that fights pollution is good.

Right?

Wrong.

And therein lies one of the central errors of economic policy in the 1970s that will have to be corrected if the U.S. economy is truly going to get moving in the 1980s.

The steel industry—badgered, beleaguered and bemused—provides a classic example.

It's certainly no secret that this vital industry is in trouble. U.S. Steel announced in December the closing of 15 plants that would idle about 13,000 employees—including 3,200 to be phased out in June in Youngstown, Ohio, where some of the plants date back to the turn of the century.

The nation's steel industry will now have lost more than 38,000 jobs because of shutdowns in the last three years. And the worst is yet to come.

The rule of thumb in the industry is that for every million tons of capacity lost, roughly 4,000 jobs are lost.

Last year, according to the American Iron and Steel Institute, total U.S. steel making capacity dropped from 158 million to 155 million tons—and actual production fell from 137 million to 135 million. A downtrend in industry employment began in December, when U.S. Steel made its disheartening announcement, and indications are that the labor force will show sharp dips in 1980. A further capacity decline of 10–15 percent is predicted by 1982.

Of course, the situation cannot all be blamed on well-meaning efforts to clean up the nation's air and water.

The steel companies face an array of obstacles: intense foreign competition, a drastic shortage of investment capital for badly needed expansion for modernization, the gathering recession and particularly the economic woes of Detroit: shrinking sales, a large backlog of unsold 1979 cars and the use of less steel in 1980 models.

But environmental regulatory problems do help significantly to cloud the future.

The steel companies argue with considerable merit that the cost of meeting the federal 1982 air-quality and 1984 water-quality deadlines could force them to postpone many expansion and modernization plans that would otherwise consume the available capital.

Unless the Environmental Protection Agency eases its current regulations, the firms maintain, it could accelerate the premature shutdown of as much as 26 million tons of old "limited-life" capacity by the end of 1982 by making it unprofitable to retrofit such outdated equipment.

Before visions of 19th century smokestacks belching vicious poisons into the air dance into your head, consider what we're really talking about.

J. Robert Ferguson Jr., U.S. Steel's executive vice president of engineering and research, points out that it cost only $1,200 per pound per hour to control the first 99 percent of the emissions from the company's steel-making furnace at Fairfield, Ala. But to handle the last 1 percent as well would cost a whopping $400,000 per pound per hour.

Given the country's other pressing and neglected economic problems for the 1980s, the real question is: Is that the best way this money could be spent?

George A. Stinson, chairman of National Steel Corp.—the nation's third-largest steel producer—and head of the industry's Environmental Campaign Task Force, told me that no industry had contributed more to the national environmental effort than steel—up to 25 percent of the industry's total capital expenditures—but that the regulations now provided little flexibility for local conditions, frequently force what he terms "overkill" and thus contributes to decisions to close plants.

Given the environmental gains already made, Stinson said, the unyielding regulations would add only marginal improvements to air and water quality—and have little, if anything, to do with public health.

Instead, in pursuit of idealized "aesthetics," the regulations siphon away money that a capital-short industry otherwise would use to replace existing facilities.

Nobody wants to move backward in fighting pollution: the true challenge is setting the right priorities and paces for its future elimination.

And that's an issue where the ideologues and bureaucrats have fouled, not cleared, the national air.●

By Mr. HAYAKAWA:

S. 66. A bill to amend section 4067 of the Revised Statutes to define further the circumstances under which certain aliens within the United States may be treated as alien enemies; to the Committee on the Judiciary.

AMERICAN SOVEREIGNTY PROTECTION ACT

● Mr. HAYAKAWA. Mr. President, on March 19 of last year I introduced the American Sovereignty Protection Act in an effort to deal with the Iranian situation. In the ensuing months it has become increasingly apparent to me that this legislation provides an appropriate and necessary Presidential authority for the contemporary milieu.

As I see it, the question arises as to what in this day and age constitutes a "war" or "state of hostilities" requiring extraordinary measures. On the basis of what all of us have been witnessing in the last 30 years on the international scene, I respectfully submit that the concept of "war" in this nuclear age has changed. Incidents—perpetuated with governmental approval—of international

terrorism, of taking and killing diplomatic personnel, of seizing diplomatic property, of invading foreign territory, of prolonged fighting without declaration of war are too numerous to be listed here.

In a less "enlightened" period of history most of these events would have been followed by miscellaneous declarations of war but today the situation is different. The nuclear stalemate that exists necessitates extreme caution and prevents the principal actors in the international arena from formalizing warlike actions which de facto amounts to the conduct of war. Accordingly, we have invented such terms as "police actions," "liberation movements," "protection of some particular doctrine," and "humanitarian rescue missions."

Mr. President, I believe that not a single Member of the Senate would deny that in the last decade there were innumerable cases of a "state of antagonism" and/or of "struggle between opposing forces" which were tantamount to a de facto war although war was not declared. Obviously, the taking of our hostages in Iran was the impetus for introducing the American Sovereignty Protection Act.

However, projecting the experiences of the last 30 years into the future, it seems to me of paramount importance to give the President authority to deal with situations which would have seemed unthinkable in 1798 when the Alien Enemy Act was written.

The Alien Enemy Act, allows the President to declare that nationals of a country with whom we are at declared war or when any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States shall be liable to be apprehended, restrained, secured, and removed as alien enemies. My bill amends the Alien Enemy Act to expand the definition of alien enemies to include nationals of foreign nations or governments (or the aiding or abetting by a foreign nation or government of any individual or group) who seize or hold the premises of a diplomatic mission and/or the taking of any diplomatic agent of the United States as hostage.

When our Embassy in Tehran was seized and Americans were taken hostage I was deeply outraged—as were all Americans. But the initial release of some of the hostages gave us hope that all might be returned home in the very near future. And so we tied yellow ribbons and appealed to the United Nations and to the International Court of Justice, expecting that reason would prevail.

Fifteen months have passed and so far efforts on the part of the Carter administration to gain the release of the hostages have failed. In the meantime pro-Khomeini Iranians held anti-American demonstrations in many of our cities—in some cases leading to violence. The subsequent arrests of many of these Iranian dissidents illustrated the inadequacy of present immigration regulations which did not provide the necessary Presidential authority for the deportation of the demonstrating Iranian nationals. Had the American Sovereignty Protection Act been enacted into law, the President would have had the necessary authority to detain at his discretion these dissidents for eventual deportation.

It is my fervent hope, Mr. President, that the hostage situation will be resolved soon. I also hope that we will not be subjected again to violent demonstrations similar to those of last fall. But it is imperative that Congress enact measures that reflect the world as it exists in the 1980's. The American Sovereignty Protection Act is one measure that does just that. Mr. President, I urge the Senate to give this important legislation its immediate consideration.●

By Mr. BUMPERS (for himself, Mr. SIMPSON, and Mr. LAXALT):

S. 67. A bill to improve and expedite the administrative process and clarify the standards for judicial review of administrative action; to the Committee on the Judiciary.

ADMINISTRATIVE PROCEDURE ACT AMENDMENTS OF 1981

● Mr. BUMPERS. Mr. President, I am today introducing a bill entitled the "Administrative Procedure Act Amendments of 1981." The bill referred on behalf of myself, Mr. SIMPSON and Mr. LAXALT is designed to accomplish the long overdue task of revising those sections of the Administrative Procedure Act which have proved to be no longer sufficient to meet the goals of providing our citizens adequate participation in the regulatory process, insuring prompt agency decisions and maintaining the traditional role of the courts as final arbiters of the law.

Specifically, the bill which I am introducing today will amend the general rulemaking provisions of the APA to incorporate much of the case law which has been developed over the last 10 years. These changes, some of which have previously been incorporated in agency organic statutes such as the Clean Air Act, are necessary to provide adequate citizen participation in the many complex rulemakings that have come to be a crucial aspect of the administrative process. See, generally, the Judicial Review of Informal Rulemaking Procedure: When May Something More Formal Be Required? 27 A.U.L. Rev. 781 (1978).

The bill would also provide for expedited proceedings in those cases which have traditionally been labeled adjudications but which do not involve contested factual issues. A similar provision has been recommended by the American Bar Association as a necessary and desirable change in the APA.

Third, the bill authorizes agencies to establish boards to review initial decisions of administrative law judges and other presiding employees. The provision is designed to speed agency decisionmaking by helping to clarify issues before they arrive at the agency review level and thus limit the amount of review time that must be spent by the agencies.

Finally, the bill contains what I believe are crucial amendments to the judicial review provisions contained in section 706 of the APA. These amendments to section 706 have come to be known as the Bumpers amendment, and are identical to the provisions of the amendment I offered to H.R. 3806 on September 30, 1980, during the 96th Congress.

These judicial review provisions have gathered a great deal of support and have the endorsement of many groups; they represent a sensible approach to solving some of the problems we are facing with overzealous regulators. Here is a brief explanation of these provisions.

POLICY

The amendments to section 706 of the Administrative Procedure Act are premised on the basic constitutional principle that in a representative democracy, legislative power shall be exercised by elected representatives and not by unelected officials who are not directly responsible to the electorate. The delegation doctrine requires that there be mechanisms for controlling the exercise of delegated regulatory power.

These mechanisms are the requirements that when the legislature delegates power it must establish an "intelligible principle" to govern the delegate, and that the judiciary will hold invalid actions which are not authorized by the statutory delegation. In the words of Mr. Justice Reed—

> An agency may not finally determine the limits of its statutory power. That is a judicial function. *Social Security Board* v. *Nierotko*, 327 U.S. 358, 369 (1946).

The insertion of the word "independently" in the introductory sentence of section 706 reemphasizes this primary role in the courts.

SCOPE OF AGENCY JURISDICTION

The first sentence of new subsection (c) of section 706 directs the courts to exercise their traditional review function to prevent an agency from acting beyond its regulatory authority.

This provision directs the courts to play a more active role in policing regulatory power by closely construing statutes which transfer regulatory authority to administrators. See Stewart, The Reformation of American Administrative Law, 88 Harv. L. Rev. 1667 (1975). The Supreme Court has followed this approach in two recent decisions. See *FCC* v. *Midwest Video Corp.*, 99 S. Ct. 824 (1979); *NLRB* v. *Catholic Bishops of Chicago*. 99 S. Ct. 1313 (1979). See also *Kent* v. *Dulles*, 357 U.S. 116 (1958); *National Cable Television Assn. Inc.* v. *United States*, 415 U.S. 336 (1974); Schwartz, Administrative Law Cases During 1979, 32 Ad. L. Rev. 411, 413–415 (1980).

Under subsection (c), a court must determine that the agency's authority to act has been granted expressly in the language of its organic statute or, in the event of ambiguity, by reference to the statute's legislative history or other materials relevant to ascertaining legislative intent. This provision is intended to underscore the duty of the courts to insure that agencies do not transgress the outer boundaries of their authority. Indeed, for a court to allow an agency to go beyond these boundaries would be "an unwar-

ranted judicial intrusion upon the legislative sphere wholly at odds with the democratic processes of lawmaking contemplated by the Constitution." *Lubrizol Corp.* v. *EPA*, 562 F.2d 807, 820 (D.C. Cir. 1977). See *City of Palestine* v. *United States*, 559 F.2d 408, 414 (5th Cir. 1977); *Nat'l Nutritional Foods Ass'n* v. *Matthews*, 557 F.2d 325, 326 (2d Cir. 1976).

Subsection (c), then, does not seek to impose any new, strange, or radical duty on the judiciary. Instead, it simply directs the reviewing court to take a hard look at an agency's assertions of regulatory jurisdiction or authority. It will allow the reviewing courts to make use of all appropriate materials for ascertaining the legislative will, but it is not intended to allow abuses of post-hoc legislative history. *Consumer Product Safety Commission* v. *GTE Sylvania* — U.S. — 64 L. Ed. 2d 766 (1980). Performance of this duty often will be difficult, but I am confident that the good sense and resourcefulness of the Federal judiciary will be equal to the task.

In making such determinations, the court will be influenced not only by the statute's legislative history but also by the nature of the asserted power. If, for example, the agency is asserting a basic or significant extension of authority, especially one which bears on personal liberties or heralds significant involvement of the agency in a new area or imposes significant costs, the reviewing court should not uphold the extension unless it is convinced that the statute and relevant legal materials demonstrate that Congress specifically or generally addressed the issue, and that the statute does contain the authority asserted by the agency.

On the other hand, if the asserted authority at issue relates to an interstitial or minor matter, the reviewing court might well conclude that although Congress had not really addressed the issue, the matter is of such a character that sensible administration necessarily requires exercise of such an implementing authority.

From the perspective of the agencies, it is true that some statutes are imperfectly drafted, or are silent or even conflicting. In these circumstances, agencies must use their discretion soundly to formulate the most appropriate means of carrying out their basic statutory mandates, filling in what are interstices of the statutory framework by which they are bound but adhering scrupulously to express or implied limitations on their authority.

It should be emphasized that the primary thrust of this portion of the amendment is to curb attempts by agencies to exercise positive jurisdiction in areas beyond the boundaries spelled out in their organic statutes. It is not intended to prevent an agency from exempting from regulation activities or persons under the traditional de minimus rationale where such exemptions are consistent with the basic purposes of the statute. Nor is this amendment intended to preclude rational interpretation and application of statutory criteria in ways that lessen the costs and other burdens of regulation.

The intent is to exclude those cases where the agency exercises its permissible discretion and declines to take affirmative action. Such a declaration is consonant with the policy to encourage agencies to refrain from taking unnecessary or inappropriate regulatory measures.

Nor is the amendment intended to nullify broad grants of administrative discretion where Congress knowingly intends that. When the statute and legislative history are clear that Congress intended a broad delegation, and the grant is not so unconfined as to violate the delegation doctrine, courts should give effect to such an intended broad grant. But the reviewer—the court, not the agency—is to determine independently whether the asserted power has in fact been conferred, either expressly or by implication.

THE "NO PRESUMPTION" CRITERION

The second sentence of new subsection (c) of section 706, together with the insertion of the word "independently" in subsection (a), is intended to make clear that Congress intends the courts to perform, and to perform diligently, their traditional role as the ultimate and impartial interpreters of the law. It is designed to insure that as to decisions of law, the agency and the appellant stand on equal footing before the law without bias, preference, or deference to either and without any presumption in support of or against agency action, except as to questions of jurisdiction, where the first part of subsection (c) imposes the burden upon the agency.

In providing that the "no presumption" criterion will apply only to questions of law, the intent is to preserve the existing "arbitrary, capricious, an abuse of discretion" standard of section 706 with respect to policy determinations within the permissible limits of agency discretion. The intent is also to make it clear that the reviewing court will apply the new "substantial support" standard in clause 2(F) only to agency factual determinations.

Thus, ample room is left for proper reliance on agency expertise where it actually exists. It is recognized that some issues will involve mixed legal and policy, or mixed legal and fact, aspects. Regardless of the agency's characterization of the issues, the courts must independently define the issues and reexamine independently the questions of law involved; at the same time, the courts should recognize the primary role of the agency with respect to choice of policy, official notice of legislative facts, and factual findings.

It is not the intent of the no presumption criterion to preclude consideration of an agency legal interpretation. This interpretation will be one element of the process of independent judicial reexamination. The effect of any agency interpretative judgment, whether contained in a rule or order, on the court's own interpretation should not, however, depend on some general rule or deference. Rather the court, in examining the agency interpretation, should evaluate the thoroughness in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements and all these factors which give it power to persuade if lacking power to control. *Skidmore* v. *Swift & Co.* 323 U.S. 134, 140 (1944). The court should also weigh any countervailing factors bearing on the validity of the agency's legal position.

Thus, the court may not regard the agency's reading of the statute as controlling or entitled to a deference that would avoid the court's reaching its own independent judgment. Accordingly, under this amendment, a reviewing court may not proceed on the asumption that it should uphold an agency's statutory construction so long as that construction is not unreasonable or not irrational. Instead, the court shall regard the interpretation of the statute as a judicial question.

SUBSTANTIAL SUPPORT FOR FACTUAL DETERMINATIONS

The substantial support standard of new clause 2(F) of paragraph (a) relates to review of factual determinations in informal rulemakings. The standard recognizes that in such proceedings there is a distinction between an exercise of discretion (policy choice) by the agency, which remains subject to the "arbitrary, capricious, an abuse of discretion" standard of clause 2(A), and the factual foundation for such a choice.

Relying on the analysis in administrative Conference Recommendation 74 to 4, 1 CFR, sections 305.74–4, the new clause 2(F) requires substantial support for factual determinations in informal rulemaking in two cases:

First. Where the finding of fact is necessary to the rule, that is to say, where the policy choice would fail to satisfy the arbitrary, capricious, an abuse of discretion criterion absent such a finding of fact.

Second. Where the finding of fact is an "asserted" basis for the rule, that is to say, where the agency relies on the finding as part of its rationale for the policy choice reflected in the rule.

Under the terms of clause 2(F) the "substantial support" must be found in "the rulemaking file, viewed as a whole." This provision meshes with other provisions of the act amending section 553 calling for the organized and systematic development of a file on which the rulemaking action is to be based. Pedersen, Formal Records and Informal Rulemaking, 85 Yale L.J. 38 (1975). The amendment does not preclude an agency in an appropriate case from taking official notice of legislative facts that underpin policy choice.

Earlier versions of this amendment used the words "substantial evidence" rather than "substantial support."

The change in language is meant to negate any implication that the intent of the amendment is to require indirectly the use of trial-type procedures in informal rulemaking. Procedural requirements for such rulemaking will be found in other provisions of the Administrative Procedure Act, as amended, and in

constitutional and common law considerations of fairness.

On the other hand, the words "substantial support" are intended to require that the data or materials on which the agency bases its factual determinations must be reliable and credible even though they have not been generated through trial-type procedures, and even though they do not necessarily satisfy the rules of evidence applied in judicial proceedings.

Enactment of these three changes in section 706 will not require all Federal courts to alter their decisional process. As Mr. Justice Frankfurter said with respect to a similar congressional endeavor some years ago:

> Some—perhaps a majority—have always applied the attitude reflected in this legislation. To explore whether a particular court should or should not alter its practice would only divert attention from the application of the standard now prescribed to a futile inquiry into the nature of the test formerly used by a particular court. *Universal Camera Corp.* v. *NLRB*, 340 U.S. 474, 490 (1951).

The ultimate objective of this amendment is to make sure that the pace and scope of regulation conform to the timetable and map established by elected representatives rather than by an unelected bureaucracy.

TECHNICAL

First. The changes in section 706 are not intended to affect any applicable rule of law which provides that in a civil or criminal action reliance on an agency rule or order is a defense. Thus, a defendant who has acted in compliance with an agency rule or order would continue to have any protection the law now provides even if the rule or order is subsequently found to be invalid.

Second. The Congress expects that whenever an agency rule or order is challenged in a civil action where a private party is suing under an express or implied right of action for violation of an agency rule (arguably not a "proceeding for judicial enforcement" within the meaning of section 703 to which the section 706 scope of review applies), the court will apply the same standards of review as set forth in section 706. In stating this expectation there is no intention to imply any new standing or right of a defendant to challenge the validity of an agency rule or order. Thus, only if and to the extent that a rule can be reviewed by the court in the action would the reviewing court be expected to apply the same section 706 tests of lawfulness of agency action.

Third. While this amendment applies to the judicial review of questions arising under the existing and future organic acts of Congress where the general standards for judicial review as previously articulated in section 706 have been applicable, it is not intended either to change any settled judicial interpretation existing at the date of enactment as to the boundaries of a particular agency's jurisdiction or authority determined by a Federal appellate court, or to unsettle any res judicata or collateral estoppel effects of prior court decisions that have become final.

Mr. President, if the November elections taught us anything it is that the people are desperate for the Congress to take firm, yet rational and thoughtful, action to get Government off of their backs. The people do not mind regulations as such, but they are sick and tired of unnecessary and onerous regulations promulgated by bureaucrats over which they have no control. This bill, which Senator LAXALT and I introduce today, offers a rational approach to these problems. It will send a clear message to the regulation-writers that considerable circumspection is in order. It will send a clear message that it is time for the administrative process to become rational and thoughtful. It is our hope that the Senate will act quickly and decisively on this bill.●

By Mr. CANNON:

S. 69. A bill to facilitate the ability of product sellers to establish product liability risk retention groups, to facilitate the ability of such sellers to purchase product liability insurance on a group basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY RISK RETENTION ACT OF 1981

● Mr. CANNON. Mr. President, I am pleased to introduce the Product Liability Risk Retention Act, a bill that would allow manufacturers, wholesale-distributors and retailers to establish product liability risk retention groups and to purchase product liability insurance on a group basis.

This bill provides a much needed alternative solution to an immediate problem facing all product sellers today—the opportunity to secure protection against product liability loss at reasonable rates. The bill I am introducing today is the bill reported by the Commerce Committee late in the last session of Congress. It reflects substantial amendments made by the committee on the basis of the hearings in the 96th Congress. I hope that this legislation will be considered early in the 97th Congress.

Adoption by the State courts of new and expanded theories of liability has imposed a disproportionate legal burden on small businesses who find themselves exposed to enormous risk of loss with little or no means of obtaining competitively priced insurance protection against that risk of loss.

Sudden and dramatic increases in premiums, inconsistently applied, have created a crisis for product sellers today insofar as their ability to absorb such increases. The alternatives currently available to the product seller have indeed been very bleak. One alternative, forced upon far too many product sellers, has been to do business without insurance protection. The consequences of such an alternative, both as to injured parties and as to product sellers, are so severe as to make this a totally unacceptable alternative.

Nevertheless, the product seller faces a significant availability problem with respect to obtaining protection against risk of loss. The real issue is not whether the product seller can obtain any insurance protection at all—but rather it is whether such insurance protection is affordable.

Affordability at any price translates into nonavailability for the product seller, especially the small businessman who has neither the resources to absorb the prohibitive costs of insurance protection nor the ability to pass these costs on in a competitive manner.

The Product Liability Risk Retention Act of 1981 provides an acceptable alternative to the affordability problem that is immediately available to those who need it most. It provides an opportunity for product sellers of all sizes to participate in a form of self-insurance on a group basis. This will result in insurance protection costs that will be more closely related to each particular form of operation and risk of loss.

The hills and valleys created by panic pricing and by inconsistent applications of rate making criterion will dissipate as competitive forces in the marketplace increase. Product sellers will be assured of objective evaluations of risk and commensurate premium rates based on such evaluations.

The Risk Retention Act is supported by over 200 national business organizations, including the National Association of Wholesaler-Distributors, the National Association of Manufacturers, the National Machine Tool Builders Association, the National Federation of Independent Businesses, and the Small Business Legislative Council.

The bill accomplishes its purposes without creating any new regulatory agency by utilizing the existing mechanisms of the State insurance departments.

Today a self-insuring group is required to comply with various State countersignature laws and to utilize a fronting company to do business in other States. Thus, such self-insurers must comply with the same regulations as a full line insurance company selling to the public. But, these self-insuring groups are not full line insurance companies selling to the public at large. The fact is that self-insuring groups composed of small businesses find it unfeasible to pool their resources because of this unnecessary regulation.

Under this bill, unnecessary regulation is removed, but necessary State regulation of the domicile is retained, and an opportunity is afforded for small companies to secure risk protection not currently available to them.

The small businesses who have been impacted so severely by the product liability problem need the immediate relief this bill can give them. I urge you all to support this proposal which will provide that relief.●

By Mr. WALLOP (for himself, Mr. MOYNIHAN, and Mr. CRANSTON):

S. 75. A bill to amend the Internal Revenue Code of 1954 to encourage capital investment by individuals and corporations; to the Committee on Finance.

INVESTMENT INCENTIVE ACT OF 1981

● Mr. WALLOP. Mr. President, today I am joining with my distinguished colleague, Senator MOYNIHAN, in introducing the Investment Incentive Act of 1981, legislation reducing the effective capital gains tax rate for individuals from 28 to 17.5 percent. The cur-

rent maximum individual tax rate of 28 percent results from a 40-percent inclusion of the capital gain times the 70-percent maximum tax rate on so-called unearned or investment income. Under our proposal, the individual would include 25 percent of his capital gain, thus paying a maximum tax rate of 17.5 percent. The bill also reduces the capital gains tax rate for corporations from 28 to 17.5 percent.

This bill continues the process begun by the Revenue Act of 1978, and carried forward by the Senate Finance Committee 1980 tax cut bill of encouraging productive investment by helping ameliorate the bias in the tax system against saving and investment.

POSITIVE EFFECTS OF THE 1978 CAPITAL GAINS TAX REDUCTION

The Revenue Act of 1978 reduced the maximum effective capital gains tax rate for individuals from about 49 percent to 28 percent. That act also reduced the alternative tax rate of 30 percent on corporate net capital gains to 28 percent. Hailed by many as a first step toward encouraging needed new capital formation, the positive impact of the cut in capital gains tax rates is now being felt.

The 1978 cut in capital gains taxation has served as an extremely effective stimulus to investment and has bolstered the economy in an otherwise difficult economic period. The cut has had a substantial effect on capital formation, the primary source of productivity and employment growth, and it has done so at a relatively modest cost. Lower capital gains tax rates have exerted a powerful leverage effect on the equity investment process, stimulating higher equity values, more venture capital, more equity capital for rapidly growing companies, greater common stock ownership, and increasing total common stock offerings.

The reports of financial experts regarding the investment climate since the passage of the Revenue Act of 1978 are impressive and edifying.

A dramatic increase in funds entering the venture capital market has taken place. Industry sources indicate that venture capital investment has risen from an average of $325 million per year in the 1974–77 period to $550 million in 1978 and $1 billion in 1979. During the first 9 months of 1980, investment of venture capital firms rose to $400 million.

Stock issues for firms going public for the first time are on the rise. According to the research publication "Going Public," in 1974, only 15 firms tapped the new issues market for a total of $51 million. During 1978, 46 public offerings raised $250 million, nearly a fivefold increase in 4 years. In 1979, 81 firms raised $506 million, and for the first 9 months of 1980, an incredible 145 public offerings raised almost $668 million.

The capital gains tax reduction has been a shot in the arm for existing stocks, too. For example, September 16, 1980, was a remarkable day for the country's equity markets. The most popular market index—the Dow Jones industrial average—climbed 15.36 points and record levels were reached by the New York Stock Exchange's Composite Index of all common stocks, the NASDAQ Composite Index and the Standard and Poor's 500-Stock Index. The day was especially interesting because of the performance of the last index. The S. & P. 500 reached 128.87 which, in turn, was 41.6 percent above its close of 90.98 on April 13, 1978. On that date, the Steiger bill providing for pre-1969 treatment of capital gains, was introduced, formally starting the dramatic reversal of the trend to higher capital gains taxes in the United States. The index of the American Stock Exchange, home of many small and medium-sized public companies, rose 155.0 percent during the same time period. These increases have come at a time of considerable economic uncertainty and high rates of inflation, traditional stock market depressants.

Actual business outlays in 1979 for new plant and equipment showed surprising strength despite the uncertain economic climate. Expenditures rose from $154 billion in 1978 to $177 billion in 1979, an increase of 15 percent. In 1980, purchases are expected to top $192 billion.

A substantial expansion in the percentage of corporate investments in private venture capital partnerships has been observed. Industrial corporations, which provided only 5 percent of private venture capital funding in 1970, committed about 16 percent of funds raised from mid-1979 to mid-1980, according to the research publication, Venture Capital.

Individual investors, who fled the stock market in the first half of the 1970's following the increase in capital gains tax rates, have come back strongly since 1978, according to a recently released study by the New York Stock Exchange. The NYSE study shows that most of the new investors are younger, less affluent, and own less stock than individual investors who have been in the market for a number of years. Taken every 5 years, the survey showed nearly 31 million individuals owned stock in 1970 but this figure fell precipitously to 25 million by 1975. The 1980 results show 29.8 million stockholders this year, an increase of 4.6 million over 1975. According to the survey another 115 million individuals currently have an indirect share in the stock market through their pension funds and insurance policies.

The latest revenue estimates from the Treasury Department indicate that increased realizations from the 1978 cut are now close to 60 percent above the level of the original forecast. The original estimates for the 1978 capital gains cut showed an anticipated revenue gain from induced realizations, or "unlocking," of $573 million in 1979 and $535 million in 1980. The Treasury recently projected revenue gains from "unlocking" of $900 million in these 2 years, 1979 and 1980. In addition, these estimates do not take into account that reductions in the capital gains tax encourage individuals to invest in new business enterprises. These new companies and their new employees will contribute to individual income tax revenue. This so-called "feedback" plays an important role in generating new tax revenues to the Federal Government.

NEED FOR FURTHER CAPITAL GAINS TAX REDUCTIONS

The impressive influx of new capital and new investors comes at a time when this Nation must have an increase both in saving and investment to realize its growth potential, provide new jobs, encourage the production and efficient use of energy, and increase its ability to compete in worldwide markets. Economic growth depends on the availability of new capital, capital that must come primarily from the savings of individuals and businesses. The demand for capital today is increasing, yet the bias in our tax system against saving and investment raises the cost of capital. The high cost of capital is a significant factor in this Nation's declining rate of growth of productivity and has helped erode the competitive position of the United States in world markets.

The increasing activity in the equity market and the return of the "little guy" to the market are encouraging signs. The combination of high rates of inflation and tax laws biased against saving and investment had discouraged the traditional forms of personal saving and investment.

High rates of inflation, which have made significant inroads in the ability and willingness of American families to save and invest in productive assets, have an equally deleterious effect on corporations. A strong stock market allows established companies to sell additional stock at attractive prices and thus helps companies avoid an overreliance on debt financing. At today's interest rates, this allows corporations to save 13 or 14 percent in annual interest payments. In fact, in the first 9 months of 1980, corporations raised some $8.3 billion in additional commonstock offerings, more than in any full year since 1972. This booming equity market has an added plus: By keeping companies out of the debt market, it eases the upward pressure on interest rates, lessening inflationary pressures.

A recent study conducted by the accounting firm of Arthur Andersen & Co. of the taxation of capital gains realized on the sale of portfolio stock investments by individual residents of 10 countries showed that, even with the 1978 capital gains tax cut, most other industrialized countries tax capital gains less than the United States. The study showed that, of the 10 countries reviewed, only Canada includes in the taxable income of individuals a greater percentage of long-term gains than does the United States. But in Canada, there is no holding period required for long-term treatment while in the United States, the requirement to qualify as long-term gains is 1 year. In addition, the maximum tax on income is 43 percent in Canada, compared to 70 percent (on so-called "unearned" income) in the United States. Canada includes 50 percent of long-term gain, while 40 percent is included in the United States and Sweden. The United Kingdom taxes gains at a flat rate of 30 percent. The remaining countries in the study—Australia, Belgium, Germany, Italy, Japan, and The Netherlands—provide for total exemptions for long-term gain.

In terms of the minimum holding period required to qualify for long-term gain treatment, only Sweden requires a longer holding period than does the United States. As can be seen from the summary below, Sweden requires a 2-year holding period, the United States and Australia require 1 year, Germany requires 6 months, and the remaining countries grant the same capital gain treatment to both long- and short-term gains.

COMPARISON OF INDIVIDUAL TAXATION OF CAPITAL GAINS ON PORTFOLIO STOCK INVESTMENTS IN 10 COUNTRIES

Country	Maximum short-term capital gain tax rate [1]	Maximum long-term capital gain tax rate [1]	Minimum holding period to qualify for long-term gain treatment	Maximum annual net worth tax rate
United States	70 percent	28 percent	1 yr	None.
Australia	60 percent	Exempt	1 yr	None.
Belgium	Exempt	Exempt	None	None.
Canada	22 percent	22 percent	None	None.
Germany	56 percent	Exempt	6 mo	0.7 percent.
Italy	Exempt	Exempt	None	None.
Japan	Exempt	Exempt	None	None.
Netherlands	Exempt	Exempt	None	0.8 percent.
Sweden	58 percent	23 percent	2 yr	2.5 percent.
United Kingdom	30 percent	30 percent	None	None.

[1] State, provincial and local taxes not included.

Source: Arthur Andersen & Co., June 1980.

CAPITAL GAINS TAX CUTS AND AGRICULTURE

Mr. President, we often associate capital gains taxation with the major financial issues of capital formation and general economic growth, but capital gains taxation also affects the most essential and basic enterprises in our economy—farms and ranches. A tax on capital appreciation discourages the replacement of worn out or obsolete equipment, retards new investments, and inhibits the creation of new jobs, that stem from the purchase of farm machinery.

The detrimental effects of capital gains taxes is especially acute in the cattle industry. Livestock operations require significant capital investment in land, equipment, and animals. Even under the best conditions, livestock and farm operations require several years before a profitable cash flow can be achieved. Even when profits are realized, they produce a rate of return which is one of the lowest of all national industries. In addition, raising cattle and sheep is a very high-risk business. Uncertain and damaging weather conditions, diseases, market fluctuations, Government regulation, foreign imports, and ever-increasing production costs are constant threats to economic survival.

As a consequence, it is not uncommon for a farm or cattle operation to produce little or no income, or even to operate at a loss, for long periods of time. For many cattlemen, capital gains from the sale of breeding animals, equipment or land may represent most, if not all, of their income in a taxable year. Moreover, the capital gains can sometimes be of considerable size. For example, circumstances beyond the control of a cattleman such as drought may force him to make a dispersal sale of the breeding herd or sell a large parcel of ranch land, thereby generating recognition of large capital gains.

The current high rate of tax on capital gains is, therefore, of vital concern to cattlemen and the agricultural industry. When a substantial portion of a recognized capital gain must be paid to the Government in taxes, the ability of a farmer or rancher to reinvest the proceeds in the farm or ranch operation to modernize his operation and make it more productive is correspondingly reduced. In most cases, the impact of the capital gains tax can go beyond merely reducing the farmer's or rancher's ability to expand his operation.

Frequently, the gain on which taxes are paid is nothing more than a paper profit produced by inflation, and does not reflect any true economic gain. In this situation, the tax bite can prevent a cattleman from simply maintaining the status quo, let alone expanding or improving his operation, since he usually does not have enough after-tax income to replace the capital taken by the Government in the form of taxes. In an industry which requires a high degree of capital investment to yield a relatively small return, this contraction of capital through taxation can prove fatal.

Lowering the capital gains taxes will also have a beneficial effect for farmers and landowners who own timberland and wood lots. The reduced capital gains tax rates called for in this legislation will give greater incentive for increased investment in and management of our timber resources; 59 percent of the Nation's commercial timber is owned by individual farmers, partnerships and small corporations. Since timber is treated similarly to other capital assets, a reduction in the capital gains tax rate will provide additional incentive for increased plantings and higher productivity on private timber lands. These tax changes will help expand our forest resources, and allow timber-growing communities and wood product consumers to look forward to a continued supply of raw materials.

REVENUE ESTIMATES OF CAPITAL GAINS TAX CUTS

The cost of the 1978 reduction in capital gains taxes has proven to be much smaller than originally estimated. The $2.8 billion revenue estimate originally projected by the Joint Committee on Taxation has been substantially offset by nearly $1 billion per year in added tax receipts from increased capital gains realization, according to preliminary estimates by the Treasury Department.

The joint committee's estimate does not take into account that reductions in the capital gains tax encourage individuals to invest in new enterprises. These new companies, generally among the most dynamic in the economy, pay business taxes and their new employees will contribute to individual income tax revenues. This so-called feedback plays an important role in generating new revenue to the Treasury.

While the final results are not yet in from 1978's crucial reverse in the trend toward the overtaxation of capital, it seems apparent from the evidence thus far that further reductions in capital gains tax rates would encourage even greater advances in investment in the innovative small business sector, and strengthen the economy's potential for growth and job creation.

CONCLUSION

Mr. President, we ended the decade of the 1970's with an economy burdened by a record of insufficient growth, inadequate job creation, poor productivity performance, and a deep-seated inflationary bent. Study after study now calls for greater attention to the economic basics: greater investment and saving to stabilize and revitalize our economy. The focus of public policy has begun to shift from shortrun, Keynesian solutions—an ever-larger role for government with an emphasis on fiscal and monetary policies favoring consumption over providing our society with the means to meet the future adequately prepared—toward longer range, supply side policies which work to expand and increase our capital stock.

The Revenue Act of 1978 pointed the direction for tax policy and events following the passage of that act—the resurgence of individual investors into the equity markets, the increase in the availability of venture capital, the increase in new stock issues, and the strength and exuberence of the equities markets—signal that the economy will respond to well-structured tax initiatives. This Congress must now choose to follow the lead set for us. We now need to reduce further the tax on capital and clear the way for stronger and greater investment in the future.

Mr. President, I ask unanimous consent that the bill I am introducing today, with my distinguished cosponsors, be printed at this point in the RECORD.

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

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN CAPITOL GAINS DEDUCTION.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended by striking out "60 percent" and inserting in lieu thereof "75 percent".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 1202 of such Code is amended to read as follows:

"(c) TAXABLE YEARS WHICH INCLUDE JANUARY 1, 1981.—If for any taxable year begin-

ning before January 1, 1981, and ending after December 31, 1980, a taxpayer other than a corporation has a net capital gain, the deduction under subsection (a) shall be the sum of—

"(1) 75 percent of the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) the net capital gain taking into account only gain or loss property taken into account for the portion of the taxable year after December 31, 1980, plus

"(2) 60 percent of the excess of—

"(A) the net capital gain for the taxable year, ever

"(B) the amount of net capital gain taken into account under paragraph (1).".

(2) Subparagraph (B) of section 170(e)(1) of such Code (relating to charitable deductions for contributions of capital gain property) is amended by striking out "40 percent" and inserting in lieu thereof "25 percent".

(c) REDUCTION IN RATE OF ALTERNATIVE MINIMUM TAX.—Subsection (a) of section 55 (relating to alternative minimum tax imposed) is amended to read as follows:

"(a) ALTERNATIVE MINIMUM TAX IMPOSED.—In the case of a taxpayer other than a corporation, if—

"(1) an amount equal to the sum of—

"(A) 10 percent of so much of the alternative minimum taxable income as exceeds $20,000, but does not exceed $60,000, plus

"(B) 17.5 percent of so much of the alternative minimum taxable income as exceeds $60,000, exceeds

"(2) the regular tax for the taxable year, then there is imposed (in addition to all other taxes imposed by this title) a tax equal to the amount of such excess.".

(d) SPECIAL RULE FOR PASS-THROUGH ENTITIES.—

(1) IN GENERAL.—In applying sections 1201(c)(2)(A)(ii) and 1202(c)(1)(P) of the Internal Revenue Code of 1954 with respect to any pass-through entity, the determination of the period for which gain or loss is properly taken into account shall be made at the entity level.

(2) PASS-THROUGH ENTITY DEFINED.—For purposes of paragraph (1), the term "pass-through entity" means—

(A) a regulated investment company,

(B) a real estate investment trust,

(C) an electing small business corporation,

(D) a partnership,

(E) an estate or trust, and

(F) a common trust fund.

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b)(1), and (d) shall apply to taxable years ending after December 31, 1980.

(2) The amendment made by subsection (b)(2) shall apply to contributions made after December 31, 1980.

(3) The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 1980.

SEC. 2. REDUCTION OF ALTERNATIVE CAPITAL GAINS FOR CORPORATIONS.

(a) GENERAL RULE.—Paragraph (2) of section 1201(a) of the Internal Revenue Code of 1954 (relating to alternative tax for corporations) is amended by striking out "28 percent" and inserting in lieu thereof "17.5 percent".

(b) TRANSITIONAL RULE.—Subsection (c) of section 1201 is amended to read as follows:

"(c) TAXABLE YEARS WHICH INCLUDE JANUARY 1, 1981.—If for any taxable year beginning before January 1, 1981, and ending after December 31, 1980, a corporation has a net capital gain, then subsection (a) shall be applied by substituting for the language of paragraph (2) the following:

"(2) (A) a tax of 17.5 percent of the lesser of—

"(i) the net capital gain for the taxable year, or

"(ii) the net capital gain taking into account only gain or loss properly taken into account for the portion of the taxable year after December 31, 1980, plus

"(B) a tax of 28 percent of the excess of—

"(i) the net capital gains for the taxable year, over

"(ii) the amount of net capital gain taken into account under subparagraph (A).".

(c) CONFORMING AMENDMENTS.—

(1) Subsection (c)(2) of section 58 of such Code is amended by striking out "28 percent (30 percent if the exchange occurs before January 1, 1979)" and inserting in lieu thereof "17.5 percent".

(2) Subparagraph (B) of section 170(e)(1) of such Code (relating to charitable deduction for contributions of capital gain property) is amended by striking out "28/46" and inserting in lieu thereof "17.5/46".

(3) Subparagraph (E) of section 593(b)(2) of such Code (relating to addition to reserves for bad debts) is amended by striking out "18/46" each place it appears and inserting in lieu thereof "28.5/46".

(4) Clause (iii) of section 852(b)(3)(D) of such Code (relating to treatment by shareholders of undistributed capital gains) is amended by striking out "72 percent" and inserting in lieu thereof "82.5 percent".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after December 31, 1980.

(2) CHARITABLE CONTRIBUTIONS. — The amendment made by paragraph (2) of subsection (c) shall apply to gifts made after December 31, 1980.●

By Mr. HEINZ (for himself, Mr. HEFLIN, Mr. DURENBERGER, Mr. GOLDWATER, and Mr. TOWER):

S. 83. A bill to amend the Congressional Budget Act of 1974 to limit the level of total budget outlays in any fiscal year and to require compensation for additional costs imposed on State and local governments, and for other purposes; pursuant to the order of September 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

AMENDMENT OF CONGRESSIONAL BUDGET ACT OF 1974

● Mr. HEINZ. Mr. President, the legislation I am offering today is a statutory version of a constitutional amendment I offered last year and intend to reintroduce when the 97th Congress begins in earnest on January 19. The purpose of that amendment would be to halt the runaway growth of Federal spending.

Given the overwhelming mandate of the recent election—reflecting a desire on the part of most Americans for less Federal Government intrusion into their lives—I would hope that passage of a constitutional limitation on spending would be of top priority.

As many may be aware, the constitutional amendment, drafted by Nobel laureate Dr. Milton Friedman and the National Tax Limitation Committee, would limit the growth of Federal spending to no more than the rate of growth of the gross national product.

Like many of my colleagues, I am dismayed that the so-called balanced budget we so triumphantly passed back in June will in fact show a deficit of perhaps as much as $50 billion. As dismayed as I am by the prospect of yet another massive budget deficit, and as important as I believe it is to insure that the Federal Government spends no more than it collects in taxes, I feel that we are deluding ourselves to think that our economic problems will be solved merely by balancing the Federal budget.

Regardless of how hard the heavy hand of recession puts its thumb on the scales of the so-called balanced budget for the current fiscal year, that really is not the issue. The key to solving our problem of declining productivity and the double-digit inflation accompanying it is not just to balance the Federal budget—although that is a necessary first step. After all, we could have a balanced budget at $1 trillion.

The key is to bring under control the amount of our output, the amount of our productive resources, usurped by the Federal Government.

To halt the unrestrained growth of the Federal Government as an ever-increasing chunk of our Nation's output, the measure I am introducing today and which I intend to reintroduce in the form of a constitutional amendment on the 19th would do the following things:

First, it prohibits Congress from increasing outlays—both on and off budget—in any fiscal year by a rate greater than the increase in nominal GNP in the calendar year ending before the start of that fiscal year.

Second, during times of high inflation, Government spending would be limited even more. Whenever the inflation rate exceeded 3 percent, the percentage increase in outlays which would otherwise be permitted would be reduced.

Third, it prevents the Federal Government from forcing the States to expand their services by simply replacing Federal grants-in-aid with Federal mandates. it also stipulates that the Federal spending limit would be reduced even further when Federal grants to the States decline over a set period.

Fourth, it authorizes emergency spending above the overall limit subject to a declaration by the President and a two-thirds vote of both Houses of Congress. In addition, the measure allows increases in the spending limit, on a year-to-year basis, if three-fourths of the Members of both Houses approve.

As an indication of the demonstrated need for such a limitation, consider the following statistics. Federal spending as a share of GNP has increased from 18 percent in 1965 to an estimated 22.3 percent today. For 10 of the past 15 years, Federal spending has increased at a faster rate than has GNP. In one year alone, fiscal year 1967, Federal spending increased by more than twice the 8.2-percent increase in GNP. In three other years, Federal spending increased by 4.5 percent or more than the most recent increase in the GNP.

My amendment—unlike measures which would limit Federal spending to a fixed percentage of GNP—would bring about reductions in the growth of spending gradually. Thus provided would be a

reasonable transition period to the fiscal discipline we so desperately need, without drastic cuts in ongoing programs.

Mr. President, thanks to a considerable amount of analysis, I can provide some idea of the benefits of this legislation. For example, had it been in effect just since 1970:

Our national debt would be lower today than it was in 1970, instead of its actually being $624 billion higher.

Interest payments on the national debt would be at least $35 billion lower this year, instead of being over $60 billion.

Federal debt per household would have been cut significantly from $6,098 per household in 1970 to $4,788 today. Unfortunately, in the real world without this legislation, the Federal debt per household today is instead a staggering $11,652.

I ask unanimous consent that tables demonstrating the impact which this measure would have had on Federal outlays since 1965 (table 1) and Federal debt since 1970 (table 2) be inserted in the RECORD.

As a further example, Mr. President, the following table demonstrates the impact that this measure, had it already been on the books, would have had on the Carter administration's budget projections for fiscal years 1980 through 1985:

Fiscal year	GNP [1]	Federal outlays [2]	Federal outlays [3]	Net reduction	Federal spending (percent) [3]
1980	2,558	583.9	583.9	0	22.8
1981	2,879	630.2	630.2	0	32.4
1982	3,172	699.6	686.3	13.3	21.6
1983	3,588	771.5	744.1	27.4	20.7
1984	4,027	857.8	831.6	26.2	20.7
1985	4,479	936.1	930.0	6.1	20.8

[1] As projected by the President in his March budget message.
[2] As projected in the March budget.
[3] After implementation of my bill.

These limitations on the proportion of GNP consumed by the Government are consistent with congressional efforts to limit Federal spending to 21 percent of GNP. They are consistent with requirements of the Humphrey-Hawkins Act that spending as a percentage of GNP be reduced. And they are consistent with the Revenue Act of 1978 which established—as a matter of national policy—that spending be reduced to less than 21 percent of GNP.

Besides limiting the percentage of GNP usurped by the Federal Government, this amendment would also, of course, limit the growth of Federal spending, which has been accelerating at an alarming rate for the past 20 years. It took 173 years for our Federal budget to reach $100 billion, in 1962. But it took only 9 more years for the budget to reach $200 billion; 4 more years for it to exceed $300 billion; 2 more years to exceed $400 billion, in 1977; and 4 more years to exceed $600 billion, in the current fiscal year.

Finally, this amendment would provide a means of controlling the growth of the national debt, which is fast approaching $1 trillion. Four times last year, the 96th Congress increased the limit on the national debt: First, from $798 billion to $830 billion; then to $879 billion; then to $905 billion; and, finally, to $935 billion.

As a result of all these temporary increases in the debt ceiling, interest on the national debt alone is projected to be $67 billion in fiscal year 1981—making it the third largest item of Federal spending. The runaway Federal spending which this national debt represents is the major cause of double-digit inflation—and a burgeoning Federal bureaucracy which imposes even more inflationary costs on the beleaguered taxpayer, businessman, and State and local government.

As currently drafted, the amendment would control the growth of the national debt only in an indirect way. This limitation could be made more explicit by perhaps adding a stipulation that the national debt could only be increased beyond its level at the time of ratification by a three-fourths rate of both Houses of Congress, and then only on a temporary basis. I would be happy to include such a provision in the amendment if my colleagues feel that would strengthen it.

To summarize, Mr. President, passage of this measure is necessary because—like the compulsive eater, the chronic gambler, and the alcoholic—the Federal Government needs to be saved from itself. Although like following a doctor's advice, many may be reluctant at first to embrace what we prescribe. But I am convinced this treatment will help reverse the habits of nearly two decades that have weakened our economy and productive base.

I believe the end result will be to liberate enormous reserves of creative energy and productivity today latent in America.

I strongly urge my distinguished colleagues to spend the next 2 weeks reviewing this legislation, to offer constructive suggestions for its improvement, and to join me as a cosponsor of the constitutional amendment to be introduced on January 19.

I ask unanimous consent that the text of this legislation and a chart be inserted in the RECORD.

There being no objection, the bill and chart were ordered to be printed in the RECORD, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title III of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following new section:

"LIMITATION ON LEVEL OF TOTAL BUDGET OUTLAYS

"SEC. 312. (a) IN GENERAL.—

"(1) Notwithstanding any other provisions of this Act (but subject to paragraphs (2), (3), and (4) of this subsection and to subsection (b)), total budget outlays (as defined for purposes of this section in subsection (c)(2)) for any particular fiscal year beginning after September 30, 1980, shall not exceed total budget outlays (as so defined) for the preceding fiscal year by a percentage greater than the percentage of the increase in nominal gross national product which occurred during the last calendar year ending before the first day of that particular fiscal year.

"(2) The maximum amount of total budget outlays which is otherwise permitted for any fiscal year under paragraph (1) may be changed by a specified dollar amount by the Congress, through the adoption of a provision to that effect in a concurrent resolution on the budget under section 301, 304, or 310 or through the adoption of any other concurrent resolution which has (and is limited to) that effect, if such provision or such other concurrent resolution is agreed to by the affirmative vote of three-fourths of the authorized membership of each House.

"(3) If the inflation rate for the last calendar year ending before the first day of a particular fiscal year was more than 3 per centum, the percentage increase in total budget outlays which is otherwise permitted for such fiscal year under paragraph (1) (after the application of paragraph (2)) shall be reduced by a percentage equal to one-fourth of the percentage by which such inflation rate exceeded 3 per centum.

"(4) If the total amount of the Federal grants to State and local governments which are included in the budget for any fiscal year, computed as a fraction of the total budget outlays for such fiscal year, is less than the smallest of the corresponding fractions for the three preceding fiscal years, the maximum amount of total budget outlays which is otherwise permitted for such fiscal year under paragraph (1) (after the application of paragraphs (2) and (3)) shall be reduced to the extent necessary to make such fraction for the fiscal year involved exactly equal to the smallest of such corresponding fractions for the three preceding fiscal years.

"(b) EMERGENCY OUTLAYS.—Following the declaration of an emergency by the President, at any time during any fiscal year while the emergency continues, the Congress may authorize a specified amount of emergency outlays for such fiscal year (over and above the maximum amount of total budget outlays permitted for such fiscal year under subsection (a)), through the adoption of a provision to that effect in a concurrent resolution on the budget under section 304 or 310, or through the adoption (after a concurrent resolution on the budget has been adopted for such fiscal year under section 304 or 310) of any other concurrent resolution which has (and is limited to) that effect, if such provision or such other concurrent resolution is agreed to by the affirmative vote of two-thirds of the authorized membership of each House.

"(c) DEFINITIONS.—For purposes of the preceding provisions of this section—

"(1) the 'inflation rate' for any calendar year is the percentage by which the percentage increase in nominal gross national product for that calendar year exceeds the percentage increase in real gross national product for that year;

"(2) the term 'total budget outlays' includes all off-budget outlays, but does not include redemptions of the public debt or any emergency outlays authorized under subsection (b) (and, for purposes both of such preceding provisions and of the provisions of subsection (d), the term 'off-budget outlays' means outlays which under specific provisions of law are not included in the totals of the budget of the United States Government and are exempt from any annual expenditure and net lending (budget outlays) limitations imposed on such budget); and

"(3) the 'nominal gross national product' and 'real gross national product' for any calendar year shall be determined and promulgated by the Secretary of Commerce.

"(d) REQUIREMENTS APPLICABLE TO BUDGET RESOLUTIONS.—It shall not be in order in either the House of Representatives or the Senate to consider or adopt a concurrent resolution on the budget for any fiscal year under section 301, 304, or 310, or to con-

sider or adopt any amendment to such a concurrent resolution, if the level of total budget outlays which is set forth in such resolution or which would result from such amendment exceeds the maximum amount of total budget outlays which (when added to the total of all off-budget outlays for such fiscal year) would be permitted for such year under subsections (a) and (b) of this section.".

SEC. 2. Title III of the Congressional Budget Act of 1974, as amended by the first section of this Act, is further amended by adding at the end thereof the following new section:

"REQUIREMENT OF COMPENSATION FOR ADDITIONAL COSTS IMPOSED ON STATE AND LOCAL GOVERNMENTS

"SEC. 313. (a) IN GENERAL.—No State or local government may be directly or indirectly required by any Federal law hereafter enacted, or by any officer or agency of the United States pursuant to such a law, to perform any new or additional functions or engage in any new or additional activities, or to expand any of the functions or activities which it is already performing or in which it is already engaged, without compensation equal to the necessary costs incurred in connection with such new, additional, or expanded functions or activities.

"(b) Requirements for Congressional Action.—It shall not be in order in either the House of Representatives or the Senate to consider or pass any bill or joint resolution (or to consider or adopt any amendment to a bill or joint resolution) which directly or indirectly requires a State or local government to perform any new or additional function, engage in any new or additional activity, or expand any function or activity which it is already performing or in which it is already engaged, unless compensation for such State or local government in an amount equal to the necessary costs incurred in connection with such new, additional, or expanded function or activity—

"(1) is authorized or otherwise provided for in such bill, joint resolution, or amendment, or in a law previously enacted; and

"(2) is included as part of the total budget outlays which are permitted for the fiscal year involved under section 312(a), as set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year.".

SEC. 3. (a) The table of contents for the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end of the matter relating to title III the following new items:

"Sec. 312. Limitation on level of total budget outlays.

"Sec. 313. Requirement of compensation for additional costs imposed on State and local governments.".

(b) Section 301(a) of the Congressional Budget Act of 1974 is amended—

(1) by inserting "(subject to section 312)" after "total budget outlays" in paragraph (1);

(2) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8), respectively; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) the estimated amount of the grants to be made to State and local governments, both as an aggregate amount and as a fraction of total budget outlays;".

(c) Section 310(a) of such Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

"(3) specify the amount by which grants to State and local governments, both as an aggregate amount and as a fraction of total budget outlays, are to be changed and direct the committees having jurisdiction to recommend such change;"; and

(3) by striking out "(1), (2), and (3)" in the paragraph redesignated as paragraph (5) by paragraph (1) of this subsection and inserting in lieu thereof "(1), (2), (3), and (4)".

(d) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out "301(a)(1)-(5)" in subsection (d) and inserting in lieu thereof "301(a)(1)-(6)"; and

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

"(k) The Budget transmitted pursuant to subsection (a) for each fiscal year shall be prepared, on the basis of the best estimates then available, in such a manner as to assure compliance with sections 312 and 313 of the Congressional Budget Act of 1974; and the President shall from time to time during each fiscal year take such action as may be necessary to assure continuing compliance with such sections.".

SEC. 4. The amendments made by this Act shall apply with respect to fiscal years beginning on or after October 1, 1980.

TABLE 1.—TOTAL OUTLAYS OF THE FEDERAL GOVERNMENT, 1965–82

Year	Total outlays (billions)		Year-to-year (percent change)		Share of GNP (percent)		Year	Total outlays (billions)		Year-to-year (percent change)		Share of GNP (percent)	
	Actual	Amendment	Actual	Amendment	Actual	Amendment		Actual	Amendment	Actual	Amendment	Actual	Amendment
1965	118.4	NA	−0.2	NA	18.0	NA	1975	334.2	294.0	23.3	10.8	22.9	20.2
1966	134.7	NA	13.8	NA	18.7	NA	1976	373.7	313.1	11.8	6.5	23.0	19.3
1967	158.3	NA	17.5	NA	20.4	NA	Transition quarter	96.5	79.8	NA	NA	NA	NA
1968	178.8	NA	13.0	NA	21.5	NA	1977	411.4	339.1	8.0	6.6	22.4	18.5
1969	184.6	NA	3.2	NA	20.4	NA	1978	461.2	375.0	12.1	10.6	22.6	18.4
1970	196.6	200.6	6.5	8.6	20.5	20.9	1979	505.4	413.3	9.6	10.2	22.1	18.1
1971	211.4	215.0	7.5	7.2	20.7	21.1	1980	543.5	456.3	7.5	10.3	21.7	18.2
1972	232.0	224.5	9.7	4.4	20.9	20.2	1981	589.5	502.1	8.5	10.0	21.4	18.2
1973	247.1	241.7	6.5	7.7	20.0	19.5	1982	626.0	544.6	6.2	8.5	20.7	18.0
1974	271.1	265.4	9.7	9.8	19.9	19.5							

Source: Actuals: Budget of the United States (1980). Amendment: Simulation assumes total outlays are equal to maximum permissible outlays.

TABLE 2.—DEBT OF THE FEDERAL GOVERNMENT, 1970–82

Year	Annual Federal deficit (surplus) (billions)		Total Federal debt (billions)		Federal debt/household (dollars)		Federal interest payments (billions)		Outlays less interest (billions)	
	Actual	Amendment	Actual	Amendment	Actual	Amendment	Actual	Amendment	Actual	Amendment
1970	2.9	6.9	382.6	386.6	6,035	6,098	18.3	18.5	178.3	182.1
1971	23.0	26.6	409.5	417.0	6,319	6,435	19.6	20.0	191.8	195.0
1972	23.4	15.9	437.3	437.3	6,556	6,556	20.6	20.6	211.4	208.9
1973	14.9	9.5	468.4	463.0	6,858	6,779	22.8	22.5	224.3	219.2
1974	6.2	.5	486.2	475.1	6,956	6,797	28.0	27.4	243.1	238.0
1975	53.2	13.0	544.1	492.8	7,653	6,931	30.9	28.0	303.3	266.0
1976	73.7	13.1	631.9	520.0	8,668	7,133	34.5	28.4	339.2	284.7
1977	53.6	(18.7)	709.1	503.2	9,570	6,858	38.0	27.2	373.4	311.9
1978	59.2	(27.0)	780.4	493.3	10,268	6,491	44.0	27.8	417.2	347.2
1979	49.4	(42.7)	839.2	460.0	10,828	5,935	52.8	28.9	452.6	384.4
1980	40.9	(46.3)	899.0	432.6	11,365	5,463	57.0	27.4	486.5	428.9
1981	12.7	(74.8)	940.3	386.4	11,652	4,788	59.1	24.3	530.4	477.7
1982	(26.6)	(108.0)	951.9	316.7	11,566	3,848	59.5	19.8	566.5	524.8

By Mr. DOLE:

S. 84. A bill to amend title 5, United States Code to eliminate an inequity in computing annuities of Federal law enforcement officers or firefighters; to the Committee on Governmental Affairs.

COMPUTING ANNUITIES OF FEDERAL LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

● Mr. DOLE. Mr. President, the bill I am offering at this time was originally introduced as Senate bill S. 565 during February of 1977. At that time, I pointed out that the legislation is intended to correct an oversight in Public Law 93–350, which was enacted by the 93d Congress. I subsequently introduced it as S. 99 in the 96th Congress.

ANNUITY COMPUTATION FORMULA

Mr. President, during the 93d Congress, we gave our approval to a bill, H.R. 9281—later enacted as Public Law 93–350—to provide Federal law enforcement and firefighting personnel a special 2½ percent retirement computation formula in recognition of the special hazardous duty service which they perform. In doing so, however, we failed to recognize the substantial inequity that would result from premising the incentive credit on a full 20 years of service in such capacity.

In order to correct that oversight, I propose this bill to extend appropriate annuity credit to retiring Federal employees who have at least 5 years' service as law enforcement or firefighter personnel, but who have not completed 20 years. This would be consistent with the full credit given congressional employees under the higher 2½ percent formula after they have served 5 years (5 U.S.C.A. 8339 (b)).

As the law now stands, Government employees who have performed "hazardous duties" for fewer than 20 years are penalized merely because they fail to reach the magic benefit line. Even though they were exposed to the same dangers, subjected to the same perils, and employed in the same high risk endeavors for our Nation, they receive no recognition if, for one reason or another, they choose or are compelled to leave such service 1 day before their 20 years are up.

SUPPORT FOR AMENDMENT

This legislation has been endorsed by the International Association of Chiefs of Police, Inc., and has been praised by the Federal Criminal Investigators Association, the National Treasury Employees Union, and the Society of Former Special Agents of the FBI. In August 1978, this bill was accepted by the Senate as an amendment to the Civil Service Reform Act. Unfortunately, the amendment was dropped in conference. The Senate also approved it as an amendment to last year's continuing resolution, but it was dropped in conference along with other Senate amendments entangled in the pay raise dispute. I believe there remains a good deal of support in Congress for the measure, and I hope we see its enactment in the 97th Congress.

Although the Civil Service Commission is on record as opposing preferential computation formulas as a reward for particular kinds of service, it seems to me that as long as the current law provides for such treatment, all those entitled should receive it. If they do not, we are going to find ourselves in the business of suppressing lateral movement of these types of Government employees, as well as discouraging the initial recruitment of qualified personnel who may not wish to commit themselves for a full 20 years in such a demanding profession.

In addition to the recruitment argument, it is my belief that the change I am proposing could also operate to help retain qualified and experienced personnel within the Government by encouraging them to stay in, or return to, civil service rather than the private sector. Too often, now, for example, a firefighter or law enforcement officer who has put in perhaps 10 years of service and decides that it is not in his own or his family's best interest to continue for another 10 years, would have just as much motivation to go to private industry as to another Government agency.

It seems to me that 5 years is a reasonable minimum to expect of a career-orientated professional and that, in many instances, we are promoting morale problems and indifference among 15- to 20-year agents who are "putting in their time" simply because of the leverage being held over them by the 20-year requirement. Again, I think we could have a much more dedicated, effective, and inspired contingent of Federal officers if they knew they could transfer at any time from a hazardous position and still receive full credit for the period spent in that position when they eventually qualified for Government retirement.

Since the bill I am proposing would become effective upon enactment, any problem of recomputation for those already retired would be avoided. Moreover, Federal service retirement computations are done on an individual basis anyway, and no additional administrative burden would be imposed.

Any measure designed to eliminate an existing inequity should, Mr. President, receive the sympathetic consideration of this body. I hope the Senate Governmental Affairs Committee will schedule hearings on the computation formula for Federal hazardous-duty employees.●

By Mr. HEFLIN:

S.J. Res. 11. Joint resolution establishing the policy with respect to the number of digits which should be used as ZIP codes or other codes used for mail delivery; to the Committee on Governmental Affairs.

ZIP CODES AND OTHER MAIL CODES

● Mr. HEFLIN. Mr. President, today I am introducing a joint resolution to put a halt to the Postal Service's proposed plan to expand the present five-digit ZIP code to nine digits until Congress can fully study the cost effectiveness of the plan and make a decision, by law, whether to approve or disapprove its implementation.

The Postal Service has already delayed implementing the nine-digit ZIP code from April to June in the face of overwhelming public disapproval and mounting congressional opposition to the proposal.

In order to implement the nine-digit ZIP code the Postal Service will be required to spend more than $1 billion for new and sophisticated equipment to handle the expanded ZIP. But the costs do not stop there. It has been estimated that the cost to American businesses to convert their mailing lists to the nine-digit ZIP would be an additional $1 billion. These costs would ultimately be passed on to American consumers who are already suffering from the debilitating effects of double-digit inflation.

Mr. President, I am not opposed to a Postal Service attempt to improve service. However, I am not convinced that the Postal Service has thought this proposal through or that most Members of Congress are aware of the enormous costs of the nine-digit ZIP. This proposal should be thoroughly studied by the Congress as to the cost to the Postal Service, the cost to the business community and the consuming public, the social consequences and the technical issues associated with the proposal. Only after such a thorough study and only after positive congressional action should such a proposal be implemented.

Mr. President, I am convinced that the Postal Service can improve and speed up mail delivery by other means than four more numbers to the ZIP code. The American people have proven that they are willing to use the present five-digit ZIP code, but the public reaction to the nine-digit ZIP has been universally negative. For the expanded ZIP code proposal to work it must have the support of the American people. From the many people of Alabama that have contacted me on this subject, it appears the nine-digit ZIP code is doomed to fail.

Mr. President, my resolution differs from others that have been introduced dealing with this subject in that it spells out that the plan cannot be implemented until Congress approves it by law.

The Postal Service has postponed the implementation of the nine-digit ZIP, but it has not scrapped the plan. Unless Congress takes positive action to halt the proposal, it will take effect June 1, 1981. Mr. President, I ask that my resolution be quickly approved by the Senate.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. BRADLEY, the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 44, a bill to amend the Internal Revenue Code of 1954 to provide an income tax credit for social security taxes paid in 1981 and 1982.

SENATE RESOLUTION 17

At the request of Mr. SASSER, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Resolution 17, a resolution concerning revision of the monetary policies of the Board

of Governors of the Federal Reserve System.

SENATE RESOLUTION 20—RESOLUTION CONCERNING TELEVISED SENATE PROCEEDINGS

Mr. BAKER (for himself and Mr. ROTH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 20

Resolved, That the Committee on Rules and Administration is authorized and directed to provide for television and radio coverage (including videotapes and radio broadcast recordings) of proceedings in the Senate Chamber. Such coverage shall be provided for continuously at all times, except for any time when a meeting with closed doors is ordered.

SEC. 2. Under such terms and conditions as the Committee on Rules and Administration may prescribe—

(1) television and radio coverage of proceedings in the Senate Chamber provided for in the first section shall be made available to public and commercial television and radio broadcasting stations and networks; and

(2) videotapes and recordings shall be made available to such stations and networks, to Members of the Senate, and to such other organizations and persons as the committee may authorize.

SEC. 3. The television and radio coverage of proceedings in the Senate Chamber under this resolution shall be carried out in such manner as the Committee on Rules and Administration shall prescribe.

Mr. BAKER. Mr. President, I am this morning sending to the desk a resolution which would provide for the televised coverage of the proceedings of the Senate in this Chamber.

Basically, this resolution simply allows us a vehicle by which I trust we will be able to accommodate the concerns many of my colleagues have expressed with regards to televised coverage of our proceedings. I understand and appreciate those concerns, Mr. President, and I certainly desire nothing which would detract from or diminish the dignity and efficacy of this body.

However, I have consistently supported some form of televised recordings of our business here in the Senate. Such coverage, in my view, is simply a modern-day extension of the public gallery and the public's right to view the legislative process of their Government in a first-hand manner. A great many difficult decisions are to be made in this Chamber in the weeks and months to come. Some form of televised coverage of those decisions being formulated will, I believe, enhance the public understanding, acceptance, and support of those decisions.

Similarly, it is my hope and intention that the Senate, from time to time, will discuss and debate in a broad context the great issues of the time, not necessarily related to a specific piece of legislation pending at the moment. Through such discussion and debate, I hope we will be able to establish a broad national agenda for America. Televised coverage of these discussions will afford the American public greater input and understanding of that agenda, an understanding which can only serve to benefit this Senate and our Nation.

SENATE RESOLUTION 21—RESOLUTION COMMENDING JAMES DUMARESQ CLAVELL FOR HIS CONTRIBUTIONS TO LITERATURE

Mr. HAYAKAWA submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 21

Whereas James Clavell is a widely acclaimed author whose writings have been enjoyed by the American people;

Whereas James Clavell has written such outstanding novels as "Shogun", "King Rat", and "Tai-Pan: A Novel of Hong Kong";

Whereas James Clavell has written many successful screenplays such as "To Sir With Love" and "The Great Escape" for which he received the Writers Guild Best Screenplay Award in 1964; and

Whereas James Clavell, through his sensitive portrayal of Japanese customs and heritage in the novel "Shogun" has enhanced the understanding of the American people of Japanese culture: Now, therefore, be it

Resolved, That the Senate commends James duMaresq Clavell for his outstanding contributions to literature.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to James duMaresq Clavell.

NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, I wish to announce that the Budget Committee will hold hearings on January 13 and January 14, 1981 in room 6202 of the Dirksen Senate Office Building to examine the current economic situation and its impact on the Federal budget. The hearings will begin at 10 a.m. on Tuesday, January 13, and will last until the noon hour, and will then recommence at 2 p.m. that afternoon. On Wednesday, January 14, there will only be a morning session commencing at 10 a.m.

On the morning of January 13, the committee will hear testimony from Arthur Burns, presently with the American Enterprise Institute and formerly the chairman of the Federal Reserve Board. In the afternoon, it will hear from Larry Kudlow, chief economist for the Wall Street firm of Bear, Stearns, Inc., and Donald E. Maude, senior financial economist and chairman of the Interest Rate Policy Committee of Merrill Lynch, Pierce, Fenner and Smith. Martin Feldstein, president of the National Bureau of Economic Research and professor of economics at Harvard University, and Barry Bosworth, senior fellow at the Brookings Institution will testify the morning of January 14.

These hearings will form the basis for much of the Budget Committee's early work on both the 1981 and 1982 fiscal year budgets. For further information, or more details, please contact Bill Stringer of the Senate Budget Committee staff at 224–0538.

ADDITIONAL STATEMENTS

DEATH OF MICHAEL P. HAMMER

● Mr. MATHIAS. Mr. President, Michael P. Hammer of Potomac, Md., was a man dedicated to improving the lives of the poor farmers in Latin America through agrarian reform. On Saturday, he was brutally murdered in San Salvador for his involvement in the land reform program in El Salvador. Mark Pearlman, a colleague and, Rodolfo Viera, the head of El Salvador's agrarian reform institute, were also killed.

Mike Hammer, an acknowledged expert in agrarian affairs in Latin America, spent most of his professional life with the American Institute for Free Labor Development, an affiliate of the AFL–CIO created to support the formation of democratic trade unions in Latin America.

He believed that a more equitable distribution of land was the key to improving the lives of the poor farmers in Latin America. He first became involved in El Salvador in 1966, when he was country director for AIFLD. He was instrumental in the formation of a democratic organization for small farmers. He has worked throughout the region since that time, but returned often to El Salvador. He had just arrived in El Salvador on Saturday morning to assist Mr. Viera, who he had heard was about to be removed from his position.

The agrarian reform program, begun last March, was a key to the ruling junta's program to liberalize the country's economic and social structure. The program has been very controversial, however, and has come under attack from both rightist and leftist guerillas. Close to 200 people connected with the program have been killed in the last 9 months, according to the Department of State.

It is not yet clear who is responsible for killing these three men. What is clear is that a very dedicated and able man, Michael Hammer, has lost his life in defense of his beliefs. We all share in the loss and extend our deep sympathy to his family.●

S. 27—FREEDOM OF ACCESS

● Mr. COHEN. Mr. President, I am pleased to join again with the Senator from Kansas (Mr. DOLE) in cosponsoring legislation to upgrade and extend section 190 of the Internal Revenue Code.

This little-known section is based on legislation I originally introduced in the House during the 93d Congress. That bill, the Freedom of Access Act, called for tax incentives to encourage owners of buildings and transportation facilities to remove structural barriers from the paths of the aged and disabled.

Senator DOLE introduced that measure in the Senate, and, through his efforts, it was added as an amendment to the Tax Reform Act of 1976. As enacted, this provision allowed an annual deduction of up to $25,000 for the expenses of barrier removal for a 3-year period which ended on December 31. That period has been extended, but the need to increase the level of the allowable deduction remains.

The proposal I am cosponsoring with Senator DOLE would upgrade the allowable deduction from $25,000 to $100,000 per year. It would also make the section a permanent addition to the code. I think these modifications are reasonable and desirable.

One of the most serious and least understood problems facing elderly and handicapped persons today is the large number of architectural barriers that stand in their way. It is estimated that 1 of every 10 persons in the United States has limited mobility because of a temporary or permanent physical handicap.

With our growing elderly population and our improved medical technology, which provides many with mobility not previously possible, the number of individuals hampered by architectural barriers will continue to expand. Unfortunately, all too often, our communities are designed to accommodate only the able-bodied adult. As Dr. Henry Betts of the Rehabilitation Institute of Chicago has remarked:

Centuries ago, parents of deformed or handicapped babies in Sparta abandoned their infants on the hills, and the Eskimos still abandon their aged on icebergs. We're supposed to be the most progressive of societies. But by designing the vast majority of facilities and services to meet the needs of the "average" young, able-bodied American, by creating an environment with architectural barriers which limit the mobility of millions of Americans, we have taken the disabled and aged off the hills and icebergs and imprisoned them in their homes.

For too long, we have tacitly ignored our duty as a compassionate nation to see that our handicapped and elderly have as productive a role in our society as possible. Handicapped people must surmount many obstacles alone. We need not compound the physical and psychological problems of these citizens with structural barriers that keep them shut away from interaction with the rest of their community.

Obviously, the best time to eliminate barriers is before they are constructed. Studies have shown that when a barrier-free environment is planned prior to construction, the expense usually runs less than 1 percent of the total cost.

Where barriers are already in place, it is important to remember that the costs of removal are generally a one-time expense. Afterward, as customers and employees, handicapped persons will return the investment through their patronage.

The National Commission on Architectural Barriers to Rehabilitation of the Handicapped concluded that:

The greatest single obstacle to the gainful employment of handicapped persons is the architectural barriers they must contend with.

The promises of equal employment opportunity in the Rehabilitation Act and the Age Discrimination in Employment Act ring hollow if the elderly and handicapped cannot reach places of employment to begin with.

In 1975, the Urban Institute estimated that $13 billion could be saved from Government disability and welfare programs if public transportation alone were accessible to handicapped persons, thus enabling them to get to and from work. Other estimates suggest that employment of this group would yield an additional minimum of $824 million in wages. Such sums overwhelmingly offset the costs of this bill. Clearly, more can and must be done to open up the workplace to those with limited mobility.

Mr. President, I submit that it is time to give the Nation's disabled and elderly a productive place in our society. We must now take the necessary steps to place commercial buildings and transportation within the reach of all American citizens.

A country which can leap the barrier of space to put a man on the Moon should not stumble at a street curb. Mobility need not stand in the way of equal access to services and opportunities.●

ELEANOR JOSAITIS NAMED CAREER GUILD WOMAN OF THE YEAR

● Mr. RIEGLE. Mr. President, recently, Eleanor Josaitis was named the "Career Guild Woman of the Year." She is truly an outstanding woman, whose work has touched thousands of people in Michigan. I have known Eleanor for many years, and our relationship has been marked with friendship and a common interest in the enhancment of the lives of the disadvantaged.

Eleanor does not seek the limelight, and most of her work is done without the benefit of publicity. For this reason, I am especially pleased that she is receiving the recognition that she richly deserves. She has spent countless hours making Focus: HOPE the effective organization that it is. Its work includes operating the largest commodity supplemental feeding program in the country, developing new education programs for inner-city youth, and implementing innovative programs to control juvenile crime.

This honor is appropriate for Eleanor, since it represents the fact that she gives herself for the growth and improvement of her community. She is dedicated to the renewal of Detroit, and to the belief that opportunity exists in this country for everyone to achieve his fullest potential. I am proud to be associated with Eleanor and her work with Focus: HOPE, and I wish her the best in the coming year.●

ENDING THE MARRIAGE PENALTY TAX

● Mr. WARNER. Mr. President, I am pleased to join today as a cosponsor of the bill which my distinguished colleague from Maryland has once again introduced in this Chamber. This measure, commonly referred to as the "marriage tax" bill, would amend the Internal Revenue Code to allow married individuals to elect the same tax rates currently applicable to unmarried individuals.

The injustices in our Federal tax code affecting married individuals have existed for the past 12 years. In 1969, Congress acted to alleviate the inequitable taxation of single workers, who were then paying as much as 42 percent more in taxes than married workers. But, in readjusting the tax equations, Congress reversed the situation, imposing a higher tax on married individuals.

As a result, married persons may no longer file single returns, and spouses who are working pay more in taxes than two single individuals who have the same combined income as does the married couple.

Mr. President, in recent years the inequity of this situation has aroused much public attention and concern. I am certain we have all heard the stories of married couples who take annual "divorce vacations" at the end of each year. They travel to a foreign country, divorce, remarry on the first day of the new year, and pay for the entire trip with the money they have saved from being "single individuals."

The marriage penalty tax is felt by all married couples, regardless of their income. In recent years, a married couple earning a combined income of $40,000 owed $4,350 more in taxes than two single individuals earning a comparable amount. Two persons each earning $5,000 owed $703 in taxes if they were married, and $500 if they were not.

While there have been modest attempts in recent years to lessen the marriage penalty tax, wedded couples continue to be penalized solely for having chosen matrimony over remaining single. With the huge increase in the number of working wives, coupled with the continuing impact of inflation, the time has come to eliminate the marriage penalty tax once and for all.

The importance of the institution of marriage to our Nation far outweighs any fiscal considerations in terms of less revenue to the U.S. Treasury.

The bill which my colleague from Maryland has introduced would allow married couples the choice of filing either a joint return or separate returns. In the Congress just ended, this bill enjoyed the cosponsorship of more than 30 Senators. It is my fervent hope that positive action can be taken on this measure quickly, in order to insure wedded couples the same opportunities as single individuals.●

THE TRANSPORTATION TASK FORCE RECOMMENDATION TO HALT WORK ON INTERSTATE HIGHWAY SYSTEM

● Mr. CHILES. Mr. President, I was very distressed to learn last week that President-elect Reagan's transportation task force has recommended that work on the Nation's Interstate Highway System be halted. While over 90 percent of the interstate system has been completed, there remain substantial gaps. These incomplete segments impair commerce and mean that highway transportation in some fast growing areas and between certain large population centers has not progressed past a 1950's level. Of the total 42,500-mile system authorized by Congress, some 1,500 miles remains to be done. Florida leads the Nation with almost 300 uncompleted miles of interstate and these unfinished segments represent significant holes in the transportation links between the heavily populated areas of south Florida. For example, most of I–75 in the southwest Florida area connecting Tampa with Miami is incomplete and other large gaps exist in St. Lucie, Martin, Palm Beach, Broward, and Dade Counties along the east coast.

There is no question that Florida's No. 1 highway priority is the elim-

ination of these gaps and the completion of the interstate system. Because Florida's economy is so dependent on tourism, agriculture, and a number of other rapidly growing industries, it is essential that our transportation facilities be in place and operating as soon as possible. Unfortunately, Florida cannot possibly claim that its highway system is in place while major population centers lack modern interstate connections. Not only do the task force's recommendations threaten the economic growth and development of my State, they also raise a serious question of equity.

Since work on the Interstate System began, Florida has kicked in some $3.3 billion in gasoline taxes to the highway trust fund but has received only $2.1 billion from the trust fund for completion of its own system. In short, Florida has been contributing greatly to the completion of interstate mileage in other States while waiting to have its own system completed. Now, all of a sudden, we are hearing talk about halting work and allowing large gaps in the system to remain. This, I do not believe, is equitable and it's certainly not acceptable.

In addition, I think it is important to note that in 1980 we saw a sizable reduction in interstate obligation ceilings due to President Carter's deferral of some $1 billion in highway obligations. I think actions like this underscore our need to act responsibly in these difficult budget times but I do not think we can afford to take actions like stopping work on the interstate system that could well threaten our long term economic viability. While I have long supported reasonable budget cuts, I am concerned that the task force has made some generalizations regarding interstate completion costs that are misleading.

In certain cases, such as the urban project in New York where it is estimated that a 4-mile stretch of interstate will cost $1 billion, completion cost may be excessive. But this just is not the case with the uncompleted Florida mileage. Most of the urban mileage in Florida has already been completed and a great deal of the remaining mileage is in rural areas and is designed simply to connect the fast growing urban centers of south Florida.

Mr. President, I cannot overstate my concern with the task force's interstate highway recommendations. Fortunately, the interstate highway program was authorized by Congress and any changes would have to be approved by Congress. I intend to do everything I can to make sure that we get our interstate system finished and finished in a timely manner.●

S. 19—A MEASURE TO OFFER RELIEF TO ROYALTY OWNERS FROM THE WINDFALL PROFIT TAX

● Mr. PERCY. Mr. President, I am proud to be an original cosponsor of the bill offered by the Senator from Kansas (Mr. DOLE) yesterday, S. 19. This measure would exempt certain royalty owners from the undue burden the windfall profit tax has placed on their lives.

It is perfectly clear that Congress made a grievous error last year when we passed the windfall profit tax: by taxing those individuals who had partial ownership in small parcels of land across this Nation, and who leased this land to oil companies for drilling, we taxed hundreds of thousands of individuals who depend on these earnings for their survival. We may not have meant to do it—the original Senate bill exempted royalty owners from the windfall profit tax. Yet we have done it nonetheless, and many, many citizens in Illinois and across the country are suffering as a result.

It is a myth to think that the windfall profit tax has affected only large oil companies. It is a myth to think that most royalty owners are wealthy individuals who can afford an ever-increasing tax on their oil earnings.

In fact, an overwhelming number of royalty owners are struggling farmers, retired persons on social security, and others who literally need these earnings to live. The royalties they have received from oil production have often totaled $50 per month or less. Combined with social security, it has often been hardly enough to provide for a comfortable retirement for these individuals.

But the effects of this windfall profit tax on these persons have literally been disasterous. Current law subjects each one of these royalty owners, no matter how impoverished, to the greatest windfall profit tax rate—to the same tax rate now applied to the largest oil companies. There is a 70-percent tax on upper and lower tier oil, a 60-percent tax on stripper oil, and a 30-percent tax on newly discovered, incremental tertiary, and heavy oils for these persons.

I have received thousands of letters from my constituents in Illinois who have told me, frankly, that this tax has made their dreams of a comfortable retirement nearly impossible. In Illinois, and in many other States across the Nation, most of the royalty owners receive earnings from the production of oil from stripper wells, wells which produce 10 barrels of oil per day or less. This oil has been decontrolled for several years; a tax on its profits means a serious drop in earnings. This is an unpalatable situation that must be corrected.

Mr. President, I was honored last year to be among the first cosponsors of Senator DOLE's royalty owners exemption bill. The bill would have exempted every royalty owner from the windfall profit tax for his first 10 barrels of oil produced daily. That measure was not enacted by the 96th Congress; S. 19 is identical to it.

The Congress has begun to see the need for royalty owner relief, however we did pass a measure last year which allows each royalty owner a refund of up to $1,000 for windfall profit taxes incurred in 1980. I am hopeful that the measure will be only a first step toward providing permanent tax exemptions for these individuals.

Exempting royalty owners from the tax for the first 10 barrels produced daily is not going to remove the tax burden one bit from those who were originally intended to pay it—the oil corporations of this country. Exempting royalty owners, instead, will offer an important measure of relief to a group of persons who were badly neglected by the Congress last year. We have a chance to improve their lives markedly through passage of this simple bill. We should not refuse to help them.

I urge the Congress to enact S. 19 as quickly as possible.●

RECESS UNTIL 12:40 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:40 p.m.

There being no objection, the Senate, at 12:24 p.m., recessed until 12:40 p.m.; whereupon, the Senate reassembled at 12:40 p.m. when called to order by the Presiding Officer (Mr. MURKOWSKI).

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BAKER. Mr. President, I thank the Chair.

ORDER FOR RECESSES

Mr. BAKER. Mr. President, I ask unanimous consent that when the joint session is completed today the Senate stand in recess until Thursday, January 8, at 11 a.m., and that when the Senate convenes on Thursday, January 8, it immediately stand in recess until Monday, January 12, at 11 a.m. and that when the Senate convenes on January 12 it immediately stand in recess until Thursday, January 15, at 11 a.m. and that when the Senate convenes on January 15 it immediately stand in recess until Monday, January 19, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER PERMITTING INTRODUCTION OF BILLS, RESOLUTIONS, AND STATEMENTS ON JANUARY 15, 1981

Mr. BAKER. Mr. President, I ask unanimous consent that on Thursday, January 15, Senators be permitted to introduce bills, resolutions, and statements between the hours of 9 a.m. and 3 p.m. but for that purpose only and no business to be transacted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER AUTHORIZING THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES

Mr. BAKER. Mr. President, I ask unanimous consent that during the recesses of the Senate as specified in this request the Secretary of the Senate be authorized to receive messages from the President of the United States and the

House of Representatives and that such communications be appropriately referred.

Mr. GLENN. Mr. President, reserving the right to object, and I do not plan to object, I wish to clarify. Will January 15 be the only date on which Senators may introduce bills, resolutions, and statements?

Mr. BAKER. Mr. President, it will be on Thursday, January 15.

Mr. GLENN. That will be the only day?

Mr. BAKER. The single day during that period when bills, resolutions, and statements may be introduced.

Mr. GLENN. On the other days they may not be introduced?

Mr. BAKER. The other days would be pure pro forma with no provisions to introduce bills, resolutions, and statements.

Mr. GLENN. Then it will be January 15.

I do not object.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES FOR THE PURPOSE OF COUNTING ELECTORAL VOTES CAST FOR THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

The PRESIDING OFFICER. In accordance with the provisions of Senate Concurrent Resolution 1, the Senate will now proceed to the Hall of the House of Representatives.

Thereupon, at 12:42 p.m., the Senate, preceded by the Sergeant at Arms, Howard Liebengood, and the Secretary of the Senate, William F. Hildenbrand, proceeded to the Hall of the House of Representatives to count the electoral votes cast for the President and Vice President of the United States.

(The counting of the electoral votes cast for the President and Vice President of the United States appears in the proceedings of the House of Representatives in today's RECORD.)

RECESS UNTIL THURSDAY, JANUARY 8, 1981, AT 11 A.M.

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 1:30 p.m., the Senate recessed until Thursday, January 8, 1981, at 11 a.m.

79-059 O — 84 — 13 (Vol. 127 Pt. 1)

HOUSE OF REPRESENTATIVES—*Tuesday, January 6, 1981*

The House met at 12 o'clock noon.

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

We raise our voices to You, O God, in thankfulness and praise in the bounty You have given our Nation and the multitude of ways by which the people have been blessed.

Since the birth of our country we have celebrated Your abiding presence in all the circumstances of life—in good times and in bad, in our laughter and in our tears. We pray that Your Spirit will continue to be known in our lives through the words of judgment and forgiveness and assurance and peace. Be with us each day, O God, and strenghten us to do Your will, that justice will roll down like waters and righteousness like an even flowing stream. 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.

INAUGURATION CEREMONIES OF PRESIDENT-ELECT AND VICE-PRESIDENT-ELECT OF THE UNITED STATES

The SPEAKER laid before the House a Senate concurrent resolution (S. Con. Res. 2), which was read by the Clerk, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 5, 1981, the joint committee created by Senate Concurrent Resolution 84, of the Ninety-Sixth Congress, to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1981, is hereby continued and for such purpose shall have the same power and authority as that conferred by such Senate Concurrent Resolution 84, of the Ninety-sixth Congress, except that the size of the Joint Committee is hereby increased to consist of four Senators and four Representatives to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively.

The SPEAKER. Is there objection to the present consideration of the Senate concurrent resolution?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 2, 97th Congress, the Chair appoints as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice-President-elect of the United States on the 20th day of January 1981, the following Members on the part of the House: Mr. RHODES, of Arizona; Mr. MICHEL, of Illinois; Mr. O'NEILL, of Massachusetts; and Mr. WRIGHT, of Texas.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from Ohio (Mr. BROWN) kindly come to the well of the House and take the oath of office at this time?

Mr. BROWN of Ohio appeared at the bar of the House and took the oath of office.

RECESS

The SPEAKER. The House will stand in recess until 12:50 p.m.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess until 12 o'clock and 50 minutes p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 50 minutes p.m.

□ 1250

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 12 o'clock and 50 minutes p.m., the Doorkeeper, the Honorable James T. Molloy, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

□ 1300

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker, Members of the Congress, the Senate and the House of Representatives, pursuant to the requirements of the Constitution and the laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under the precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. MATHIAS and Mr. FORD on the part of the Senate, and Mr. HAWKINS and Mr. DICKINSON on the part of the House, took their places at the desk.

The VICE PRESIDENT. The Chair will now hand to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. DICKINSON (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that Ronald Reagan of the State of California received nine votes for President, and GEORGE BUSH of the State of Texas received nine votes for Vice President.

The VICE PRESIDENT. There being no objection, the Chair will omit in further procedure the formal statement just made for the State of Alabama, and we will open the certificates in alphabetical order and pass to the tellers the certificates showing the vote of the electors in each State; and the tellers will then read, count, and announce the result in each State as was done in the case of the State of Alabama.

Is there objection?

The Chair hears no objection.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of the State of Alabama, the

electoral votes of the several States in alphabetical order.

□ 1320

The VICE PRESIDENT. Gentlemen and gentlewomen of the Congress, the certificates of all of the States have now been opened and read and the tellers will make the final ascertainment of the results and deliver the same to the Vice President.

The tellers delivered to the Vice President the following statement of the results:

The undersigned, CHARLES MCC. MATHIAS, JR. and WENDELL H. FORD, tellers on the part of the Senate, AUGUSTUS F. HAWKINS and WILLIAM L. DICKINSON, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the twentieth day of January, nineteen hundred and eighty-one.

States	Electoral votes of each State	For President		For Vice President	
		Ronald Reagan	Jimmy Carter	George Bush	Walter Mondale
Alabama	9	9		9	
Alaska	3	3		3	
Arizona	6	6		6	
Arkansas	6	6		6	
California	45	45		45	
Colorado	7	7		7	
Connecticut	8	8		8	
Delaware	3	3		3	
District of Columbia	3		3		3
Florida	17	17		17	
Georgia	12		12		12
Hawaii	4		4		4
Idaho	4	4		4	
Illinois	26	26		26	
Indiana	13	13		13	
Iowa	8	8		8	
Kansas	7	7		7	
Kentucky	9	9		9	
Louisiana	10	10		10	
Maine	4	4		4	
Maryland	10		10		10
Massachusetts	14	14		14	
Michigan	21	21		21	
Minnesota	10		10		10
Mississippi	7	7		7	
Missouri	12	12		12	
Montana	4	4		4	
Nebraska	5	5		5	
Nevada	3	3		3	
New Hampshire	4	4		4	
New Jersey	17	17		17	
New Mexico	4	4		4	
New York	41	41		41	
North Carolina	13	13		13	
North Dakota	3	3		3	
Ohio	25	25		25	
Oklahoma	8	8		8	
Oregon	6	6		6	
Pennsylvania	27	27		27	
Rhode Island	4		4		4
South Carolina	8	8		8	
South Dakota	4	4		4	
Tennessee	10	10		10	
Texas	26	26		26	
Utah	4	4		4	
Vermont	3	3		3	
Virginia	12	12		12	
Washington	9	9		9	
West Virginia	6		6		6
Wisconsin	11	11		11	
Wyoming	3	3		3	
Total	538	489	49	489	49

CHARLES MCC. MATHIAS, JR.,
WENDELL H. FORD,
Tellers on the Part of the Senate.
AUGUSTUS F. HAWKINS,
WILLIAM L. DICKINSON,
Tellers on the Part of the House.

The VICE PRESIDENT. The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

Ronald Reagan, of the State of California, has received for President of the United States 489 votes;

Jimmy Carter, of the State of Georgia, has received 49 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

GEORGE BUSH, of the State of Texas, has received for Vice President of the United States 489 votes;

WALTER F. MONDALE, of the State of Minnesota, has received 49 votes.

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 20th day of January, 1981, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives.

The purpose for which the joint session of the two Houses of Congress has been called, pursuant to Senate Concurrent Resolution 1, 97th Congress, having been accomplished, the Chair declares the joint session dissolved.

(Thereupon, at 1 o'clock and 30 minutes p.m., the joint session of the two Houses of Congress was dissolved.)

□ 1330

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, the Chair directs that the electoral votes be spread at large upon the Journal.

INTRODUCTION OF ECONOMIC LEGISLATION—JANUARY 5, 1981

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

ECONOMIC GROWTH AND PRICE STABILITY PROGRAM OF 1981

Mr. BROWN of Ohio. Mr. Speaker, the Nation faces severe economic problems. Congress must use its wisdom, creativity, courage, and statesmanship to solve them.

We must act quickly because the people of this country have suffered too long. Our economy is beset by:

An inflation rate teetering on the brink of running away;

A growing real tax burden and an adverse regulatory environment leading to a slowing of the growth of our real gross national product;

Serious underinvestment, aggravating a failure to achieve a reasonable strategy for long-run economic growth;

Negative productivity growth in the American business sector in the past year and the lowest productivity growth of any industrial nation the past 10 years as the American manufacturing plant continues to age; and

A continuing gnawing problem of heavy structural unemployment, especially among blacks and teenagers.

Clearly, the major economic concerns of Americans today are inflation, taxes, Federal deficits, Government regulation, and structural unemployment.

Today, as ranking House minority member of the Joint Economic Committee, I am introducing a package of legislation which can serve as a Republican economic program to solve the foregoing list of economic ills. The goal of the package is to stimulate economic growth and curb inflation. It incorporates the best economic proposals of the last Congress. It is in the forefront of sound, modern economic theory, which takes into account both the supply side and demand side of our economy.

The economic package contains five elements: Tax reform, reduced Federal spending, savings promotion, reduced Federal regulation, and a targeted program to cure structural unemployment. I believe this is a well-balanced program and it hits at the key sore spots in our economy.

In recent years, policymakers have been at a loss to explain why inflation and unemployment have been so stubborn. The fact is inflation and unemployment have only been as inflexible as the policymakers. The policymakers have lumped tax policy and spending policy in one category—fiscal policy—and have lost all flexibility by treating it as one rigid policy tool. They have linked fiscal policy to monetary policy in rigid fashion as well. Monetary and fiscal policies were either both too tight or both too easy, all stop or all go. Demand was pumped up or drawn down. No attention at all was paid to supply policy, or to ways in which tax policy could be used independently to affect costs, prices, employment, and growth.

Inflation is too much money chasing too few goods. The trick is to fight inflation by reducing money growth while stimulating production, the supply of goods, and services—through carefully designed tax reduction and restructuring—and reducing the growth of Federal spending to eliminate Federal borrowing and crowding out. These targeted policies, some easy and some tight, could solve our problems.

In recent years, we have pumped up demand by increasing spending and creating money faster than ever. We have had the biggest deficits in history. We assumed that supply would automatically rise to satisfy the demand. This policy did not work. Output did not respond.

Output did not respond because Government has strangled it with higher taxes, higher costs, and higher regulatory burdens. Government has pumped up demand and throttled supply. No wonder we have had inflation. Furthermore, that same inflation has only made the supply situation worse.

Inflation lowers the rate of return to every worthwhile growth activity. As the reward falls, the activity declines.

Inflation pushes people into higher tax brackets. The marginal taxes taken out of each cost-of-living raise have reached amazing levels. Even middle-income taxpayers now face tax rates of 40 to 50 percent on each additional dollar earned. In fact, if the trend of 1972–79 continues, by 1986 everyone with an income of $20,000 in 1972 purchasing power will be in the 50-percent marginal bracket.

The high and rising marginal tax burdens have reduced the rate of return to labor. There has been no increase in real aftertax spendable earnings for the average worker since 1965. Extra effort is taxed at record rates. Workers have substituted leisure, early retirement, and nontaxable fringe benefits for added work and added pay.

Saving is also hard hit. The aftertax reward to saving is miserably inadequate in view of the great social service that saving performs. Saving is inherently double taxed. Income is taxed when earned. If it is spent on a good or service, only a small sales tax is incurred. If it is saved, the "service" acquired—interest or dividends—is taxed at rates up to 70 percent. Inflation increases this double-tax burden as it pushes taxpayers toward the upper brackets, reducing the reward to saving even further. Taxpayers have substituted consumption for saving, and tax-sheltered saving for ordinary saving. The supply of saving to the stock, bond, and other credit markets for use by ordinary business has been choked off.

Inflation has caused a gross understatement of depreciation, the amount of plant and equipment that is wearing out. As a result, business profits are overstated, and taxes are overpaid by 25 to 30 percent. The rate of return on the use of equipment is reduced, leading to a drop in desired investment. The cost of just standing still increases, as depreciation allowed by the tax code proves inadequate to replace old machinery. Even as overstated taxes and mandated pollution control spending reduce corporate cash flow, firms must dip into that cash flow to pay inflated prices for new machines. Little is left over to raise dividends or make higher interest payments to overcome the reduced desire to save on the part of taxpayers.

The supply of credit to business is further reduced, and the cost of that credit increased, by the increasing preemption of our limited supply of savings by Government borrowing to fund the Federal deficit.

The general profitability of business is further eroded by an enormous regulatory burden, the cost of which is now in the neighborhood of $100 billion a year, almost 5 percent of GNP. It reduces productivity and discourages all forms of production. It curbs the use of plant and equipment, labor, and land. It exacerbates inflation and results in the underemployment of every conceivable factor of production.

How do we fight this situation? There is no great mystery. The methods have been thoroughly studied and are ready to use if we only have the will. Here is the program:

To fight inflation and defend the value of the dollar, curb the creation of new money.

To keep slower money growth from causing a credit crunch and recession, get the Government out of the credit market by curbing the growth of Government spending to end the deficits.

To further increase the supply of credit for real growth, encourage saving by cutting personal tax rates and index the personal income tax to keep inflation from undoing the tax cut. Institute tax incentives for additional saving to offset the double taxation which saving now faces.

To encourage business to use the added saving to produce real growth, enact replacement cost or indexed depreciation. Encourage the employment of all inputs in their most efficient uses by cutting corporate tax rates to discourage the use of shelters.

To prevent the taxation of illusory capital gains due only to inflation, adjust the purchase price of capital assets for inflation when calculating taxable gains.

To reduce our soaring regulatory burdens, abolish existing regulations that are excessive, duplicative, or contradictory. Require that regulations be drafted to minimize costs to consumers and businessmen. Establish a regulatory budget, which puts a cap on the cost each Federal agency or department could impose on the private sector.

To increase work effort and the supply of labor, reduce personal tax rates and index the income tax to keep inflation from undoing the tax cut.

To make untrained workers employable, institute a wage subsidy for the hiring of unskilled workers, putting the hard-core unemployed into real training programs in the private sector. Delay further increases in the minimum wage in order to prevent thousands of teenagers and unskilled workers from being priced out of the market.

That is the program. It is infinitely more flexible than the stop-and-go policies of recent years. It can fight unemployment and inflation simultaneously. It will produce sustainable real economic growth and higher living standards for the first time in nearly a decade.

Here is a description of the bills.

PERSONAL TAX RATE REDUCTION

Increased tax credits or rebates, or wage guarantees, do nothing to increase the rate of return, the reward after taxes, to additional labor or saving. Only reduction of the marginal tax rates in each bracket, the rates that apply to added earnings due to added effort, can do that. Accordingly, in the last Congress, I cosponsored, and in this Congress I will cosponsor, the Kemp-Roth bill or a reasonable facsimile.

This should be part of a sound program to increase work effort and total saving, and to redirect saving out of shelters and into America's ordinary cash-starved businesses. A tax reduction bill of even this size will only serve to offset the tax increases that will be generated in the next few years due to social security tax increases and the effects of inflation in pushing people into higher tax brackets. Kemp-Roth works primarily because it is the right shape to stimulate supply.

INDEXING THE PERSONAL INCOME TAX

Each year, as incomes rise to keep up with the cost of living, millions of workers find themselves in higher tax brackets. The increased tax burden often robs the worker of any real increase in spendable earnings. In fact, today's average worker has had no real increase in real spendable earnings, after taxes and inflation, since 1965. That is 15 years of stagnant real spendable income even though nominal wages have more than doubled.

Because of higher tax brackets, many workers are discouraged from accepting overtime labor bargains for nontaxable fringe benefits, including more time off. Spouses who might seek part-time work find the added income taxed at high rates, and stay home. Saving is discouraged, as inflation erodes the principal and higher tax brackets steal the interest. Tax shelters are now used by millions who once had no need for them. Others simply spend. Growth rates of employment and real income are reduced.

Under the current tax code, tax revenues rise about 16 percent every time prices rise by 10 percent. The extra 6-percent rise in revenue is due to "bracket creep" as inflation pushes taxpayers into higher tax brackets. Bracket creep has effectively repealed

the Kennedy tax cut of 1964 and subsequent tax reductions.

Indexing prevents inflation from pushing taxpayers into higher tax brackets just because they receive a cost-of-living increase. Indexing would hold Government revenues to a 10-percent increase when prices rose 10 percent. Thus, it does not deny the Government the revenue needed to keep up with prices. It simply denies the Government its automatic windfall from inflation.

Under the bill, each December, the Secretary of the Treasury would calculate the percent by which the average consumer price index rose for the 12 months ending September 30. All fixed dollar amounts in the income tax tables would be increased by that percent; the personal exemption, the "zero tax bracket"—that is, the standard deduction—and all the income levels which separate one tax bracket from the next, would be adjusted. This is the standard textbook method for accurately insuring that the same real income always faces the same real tax rate, both on average and at the margin. It ends the current system under which taxpayers on average have faced tax rates on additional income which are 1 or 2 percent higher each year. It ends the bracket creep problem which nurtures tax shelters, consumption, and leisure at the expense of work effort and straightforward saving and investment. It gives workers a chance for real wage increase even without double-digit wage demands.

A tax rate reduction program, such as has been proposed by Congressman KEMP and Senator ROTH, should be enacted, with indexing to take effect thereafter. The Kemp-Roth bill introduced last year included such a proposal for indexing to take effect in 1983 after 3 years of tax rate reduction.

If rate reduction is not enacted, immediate indexing becomes imperative. Indexing would neither roll back the use of tax shelters, nor restore incentives lost to previous taxflation. Only rate reduction can do that. However, indexing would prevent the further deterioration of spendable earnings and savings due to future taxflation.

INDEXING CAPITAL GAINS

This bill, modeled after the Archer amendment to the Revenue Act of 1978, would adjust the basis of capital assets for inflation in determining gains and losses for tax purposes. It would involve increasing the purchase price of our asset by the percent increase in the Consumer Price Index since the asset was levied on purely illusionary "gains" due to inflation.

Capital gains have been eroded by inflation to such an extent that most reported capital gains are really losses when adjusted for inflation. Prof. Martin Feldstein reported to the Joint Economic Committee on an exhaustive study of capital gains reported in 1973 tax returns. Taking all returns into account, the reported nominal gains of $4.6 billion were in fact real losses of nearly $1 billion, yet all the reported gains were taxed. Worse yet, the bulk of this overtaxation fell on middle-income taxpayers. The tax code was never intended to operate in this way. On average, on those gains which were still gains even after adjusting for inflation, the real effective tax rate was doubled.

As pointed out in the 1978 joint economic report:

Capital gains are already overtaxed. They are not ordinary income, and we should not be trying to tax them as if they were.

Capital gains occur when the price of an earning asset rises. The price increase is generally caused by a perceived increase in the future earnings of the asset. Those future earnings will be taxed when they occur. To tax the rise in the asset's value as well as the future earnings is to double tax those earnings. For this reason, no major nation treats capital gains as ordinary income.

To add to this double taxation by imposing taxes on the portion of gains due to inflation raises the effective tax rate well above rates intended in the Tax Code. In fact, taxing real capital losses means we impose a tax in excess of 100 percent on the "profit" from many transactions. This combination of inflation plus a tax on capital transfers has locked in thousands of investors and sharply reduced trading of all types of property. As a result, as several studies show, the Government is actually losing more money because of discouraged activity than it gained by raising capital gains tax rates in 1969.

More importantly, the country has lost out on a great deal of growth because saving and the efficient allocation of capital have been retarded.

DEPRECIATION REFORM

The Senate Finance Committee, in a nearly unanimous bipartisan vote, produced a program of personal and business tax rate reductions in 1980 largely geared toward the supply side of the economy. Most of the bill's provisions have some impact on marginal incentives.

An important part of the Senate Finance Committee package deals with depreciation. Congress has been more familiar with the problems of inadequate depreciation, and more united on the sort of tax changes that are needed, than any other tax question. Had we taken action on this matter a year or more ago, we might have averted the current needless recession, the rise in unemployment, and the slump in productivity that plague us today.

There are two major depreciation plans with widespread bipartisan support in the Congress. One is the Senate Finance Committee proposal. The other is the Conable-Jones 10-5-3 proposal.

The 10-5-3 proposal has the cosponsorship of a majority in the House and the backing of a majority in the Senate. It is simple and powerful. It has been slowed down by technical concerns and worries over its cost. These problems are not insurmountable.

The Senate Finance Committee proposal is somewhat smaller in size, but almost as simple and as easy for firms to use as the 10-5-3 approach. It too, requires some technical adjustments, which I intend to offer here today. The depreciation plan which I am introducing today is based on the Senate Finance Committee plan, but modifies it somewhat. It sets up four categories of equipment and machinery. Assets in these categories are to be depreciated over timespans of 2, 4, 7, or 10 years. Equipment, which now has the longest tax lives under the current ADR—asset depreciation range—system, would fall into the 10-year category. Shorter lived assets would fall into the shorter categories. Each asset will experience a significant reduction, at least 40 percent, in its writeoff period. In each category, there is an investment tax credit. My bill provides a 10-percent investment tax credit (ITC) for assets in the 7- and 10-year categories, a 7½-percent ITC for the 4-year category, and a 4-percent ITC for the 2-year category. This is a change from the Senate bill, which gave the 4- and 2-year categories smaller ITC's, 6 percent and 2½ percent respectively.

The increased ITC's are essential if smaller businesses are to be better off under the revised depreciation system than they are under current law. Smaller firms are in lower income tax brackets than larger firms. For those in the lower brackets, the depreciation allowances, which are deductions from taxable income, save less in taxes than for those in the higher brackets. for lower bracket firms, the ITC, which is a credit against tax, is relatively more valuable. The Senate bill grants shorter asset lives, faster depreciation, but with a reduced ITC. This tradeoff was carried too far for the smaller firms. The enlarged ITC in this bill remedies the defect. The change makes certain that firms of all sizes experience a significant improvement in their capital cost recovery allowances compared to current law.

Another provision of the Senate bill allows firms to write off $25,000 in new equipment in the first year—expensing. This is a very important provision for small business, greatly simplifying their accounting procedures. Unfortunately, the bill provides no

ITC for this equipment. For small firms the ITC obtainable under other provisions of the bill for assets written off over several years is more valuable than the added gains from first-year writeoff. No small firm would take advantage of this provision as it stands. To remedy the problem, my bill provides a 4-percent ITC for the $25,000 of expensed assets.

The rest of the bill parallels the Senate version. A fact sheet follows. For more detail on this legislation, see Senate Report 96-940 on H.R. 5829, subtitle B.

I am also introducing today two additional bills concerning depreciation. One would allow firms to write off pollution-control equipment in the year of purchase—expensing. A 4-percent ITC would be permitted.

The second bill cuts right to the heart of the depreciation question. Why do we make firms depreciate their machinery and equipment over many years? The standard tax base in the United States is income. The theory is that a machine should be written off over the time it earns income for the firm—the machine's useful life. This is fine philosophy, but it is economic nonsense. Aside from the obvious fact that a machine may become economically or technologically obsolete long before it wears out, there is a deeper problem.

Any income tax is a double tax on saving and investment, compared to consumption. Money saved and invested was taxed when it was earned. If it is saved and invested, instead of consumed, the earnings on the investment are taxed again. A tax system which is neutral between saving and consumption would tax either the income that got saved, or the earnings of the saving, but not both. This is why the value added taxes of Europe permit the full deduction of an investment in the year it is made.

The ideal unbiased tax code would permit a firm to deduct the cost of a machine as soon as it is purchased. The third bill I offer today would permit firms to write off their equipment and machinery over any time period they choose, and in any proportion in each tax year, with a 4-percent ITC. Some firms would prefer a longer depreciation period with all the deductions in later years if they were losing money in the year of purchase and had no profits to offset at that time. This is a bill for the future. It is the ideal system we should approach over time.

CAPITAL INVESTMENT ACT OF 1981

This legislation offers broad incentives to invest. It is based on the depreciation amendments reported by the Senate Finance Committee, with an important perfecting amendment.

1. SIMPLIFIED COST RECOVERY (SCR)

The bill establishes a simplified cost recovery system (SCR) which provides tax incentives for investment in equipment and machinery. Under the legislation, equipment would be classified in one of four recovery accounts with a recovery period of 2, 4, 7, or 10 years. Generally, equipment and machinery would be depreciated 40 percent faster than under present law. A simple "open-ended account" system for computing depreciation deductions, which has been successful in Canada, would replace the complicated "vintage account" system of present law.

In addition, the investment tax credit rules would be modified. Assets with recovery periods of 7 or 10 years would receive a 10-percent investment tax credit, as in the Senate Finance Committee bill. Assets with 4- and 2-year recovery periods would receive 7½-percent and 4-percent investment tax credits, respectively, higher than those in the Senate bill, 6 percent and 2½ percent, respectively. This modification is necessary if smaller firms are to receive improved incentives to invest, compared to current law.

2. STRUCTURES

At the option of the taxpayer, structures and structural components would be eligible for 20-year straight line depreciation with section 1250 recapture. This compares to a useful life of some 30 years for apartment buildings, 35 years for industrial structures, and 40 years for commercial structures under present law. Also, at the option of the taxpayer, certain low-income rental housing would be eligible for 15-year straight line depreciation with section 1250 recapture. This compares to a useful life of some 30 years for low-income housing under present law. Another option is provided for taxpayers who build, hold, and occupy structures for use in their business, rather than for resale. These would include plants or retail structures built by manufacturing or commercial firms for their own use. These structures would be eligible for 15-year straight line depreciation with section 1245 recapture. These provisions would provide an audit-proof system for taxpayers by eliminating disputes over useful life between businessmen and the Internal Revenue Service.

These provisions will encourage the construction of new factory buildings which is so important in modernizing our industrial base. The new rules will provide a needed stimulus to the depressed housing industry and help create jobs in the construction industry. Additional incentives are provided for low-income housing.

3. PROGRESS PAYMENTS

The bill permits firms to begin depreciation with respect to progress payments for property which requires a long period of construction, rather than wait until it is placed in service.

4. REHABILITATION OF COMMERCIAL AND INDUSTRIAL STRUCTURES

In an effort to help revitalize some of the older industrial sections of the Nation, the legislation increases the existing 10-percent investment tax credit for the rehabilitation of commercial and industrial structures to 25 percent.

5. SMALL BUSINESS SIMPLIFICATION AND INCENTIVE

In an effort to provide substantial simplification and a real tax incentive for small business, taxpayers can elect a first year writeoff, expensing, for the first $25,000 of annual investments in equipment and machinery. A 4-percent investment tax credit is allowed, which is not part of the Senate bill. This is necessary to make this option as attractive as ordinary multiyear depreciation with the investment tax credit allowed in that case. Hundreds of thousands of small businessmen across the Nation would no longer have to worry about burdensome depreciation calculations if they elect this option.

ENCOURAGING SAVING

These are tense times. We are threatened militarily and economically from abroad. At home, Americans struggle with each other for a bigger slice of a shrinking pie. It did not have to be this way.

If we had saved and invested a bit more; if our GNP had grown only 1½ percentage points faster each year since 1950, we would now have a $3¾ trillion economy instead of a $2½ trillion economy. We would have $200 billion more in Federal revenues, balanced budgets, stable prices, income and payroll tax cuts, 50 percent higher living standards, millions more jobs, a solvent social security system, an ultramodern productive economy three times the size of the Soviet Union's instead of twice their size, and unquestioned military superiority. Russia simply could not have kept up with us.

Faster growth, higher incomes, and plentiful jobs are exactly what the unemployed, underprivileged, and the minorities of this country have been seeking for many years. It is no accident that the greatest gains in income, jobs, and dignity for minority workers have come during periods of rapid expansion.

Growth is critical, and saving is critical to growth. We have thrown away 30 years. The hour is very late. It is high time we got started.

The United States has the lowest rate of saving in the Western World, resulting in the lowest rate of productivity growth, investment, and real wage increases among the major industrialized nations. Personal saving is falling because inflation and high tax rates reduce the real rate of return on savings. As people are pushed into higher tax brackets, they get to keep

less of each additional dollar of savings income. Since income from savings is added to income earned from personal service, the highest tax rate each taxpayer pays is imposed on his or her savings income. The higher the tax rate individuals face on additional income from saving, the less likely they are to save. Thus, the present high tax rates discourage new savings, encourage consumption, and force savings away from productive investments into tax-exempt bonds and tax shelters.

The total amount of saving in the United States—personal saving, retained earnings, and depreciation setasides—has already fallen so low that we are not providing enough investment to keep pace with replacing worn-out machinery and equipping a growing labor force. This is leading to falling productivity, lower real wages, and reduced job opportunities. Unless action is taken, we face a decade of stagnation.

This is too crucial an issue for casual legislation. We have to do it right, without ideology and without wishful thinking. It is a fact of life that the top half of the income distribution earns more than three-quarters of taxable income and undoubtedly does 90 percent or more of the Nation's personal saving. We have to encourage those with the capacity to save to do so to give this country the growth it needs to compete and survive in a hostile world. But the higher income groups are not the only ones that save. And whether we like it or not, that means reducing the tax rates on added earnings from added savings for people at all income levels.

I have made a careful study of this issue over several years. The Joint Economic Committee has held hearings on growth and noted the importance of savings in this process. We heard from the best experts in the country. I can tell you this: Savings can be encouraged. We can grow faster. Let me summarize some of what I have learned.

I must stress very strongly that the naive approach of exempting a limited dollar amount of interest from the tax does not do much. It merely rewards old saving. Most returns have more interest and dividend income than the ceilings in a limited $200 or $400 exclusion. IRS figures prove this beyond a shadow of a doubt. The tax status of any added interest is completely unchanged by the exclusion. If the taxpayer had become discouraged and had stopped saving before the exclusion, he still will not save after the exclusion. If the taxpayer was using tax shelters before the exclusion, he will still use them after the exclusion. We can justify some sort of exclusion on equity grounds to aid the elderly, whose interest on old bonds has been severely eroded by inflation. But we cannot, we must not, fool ourselves into thinking that a limited exclusion will increase saving in the economy.

There are only two effective ways to encourage more saving: First, reduce the tax rate on savings income in each existing tax bracket; and second, shift savings income into lower brackets.

Unless the actual tax rate paid on the last few dollars, on the marginal potential added dollars of savings income, is reduced, behavior will not be changed and saving will not be increased.

Today I am introducing two savings bills which incorporate these approaches. The first bill continues the existing interest exclusion, but it also reduces the effective tax rate on savings income by exempting 25 percent of every dollar of savings income above the $200–$400 exclusions from tax. This lowers the effective tax rates from the current range of 14 to 70 percent to 19½ to 52½ percent, greatly increasing the incentive to save.

The bill is designed to encourage a higher rate of saving by reducing the tax rates which apply to interest and dividend income. The bill provides a two-part approach to interest and dividend income.

To compensate existing savings for the effects of inflation on fixed interest, the bill continues the provision in existing law which excludes from taxable income 100 percent of the first $200 and $400 of interest and dividend income on single and joint returns.

To encourage new saving, the bill excludes from taxable income 5 percent of all interest and dividends above the amounts described above, increasing annually in stages—10, 15, 20 percent—to 25 percent in the fifth year after enactment.

In order to encourage new savings, the tax rates which apply to interest and dividends must be reduced. A limited interest tax exemption will not substantially increase saving. It will primarily reward existing savings. On equity grounds, an interest exemption is advisable for senior citizens and low- and moderate-income taxpayers. This bill continues this exemption. But, in order to encourage additional savings, the tax rates at which additional savings income is taxed must be reduced. The 25-percent exclusion of additional interest and dividends has the effect of reducing the tax rates on additional savings income by one-quarter. For example, an individual in the 28-percent tax bracket would see the effective marginal tax rate on savings income fall to 21 percent. The 40-percent bracket would effectively fall to 30 percent, and the 70-percent bracket to 53 percent. This would result in a substantial increase in saving, a switch out of tax shelters, reduced interest rates, and less pressure on the Federal Reserve to create money. It is a pro-growth, anti-inflationary step of great effectiveness.

The second savings bill which I am introducing today with Representative ROUSSELOT and Senator ROTH is even better than the above described bill because it targets the incentives more strongly at these people of working age who can and should save more and spend less. Current law combines savings income and personal service income, which puts the savings income in high brackets. I propose to split income into two parts for tax purposes. The first dollar of both earned income and unearned income would start in the 14-percent bracket, and the top tax rate on both would be 50 percent. Deductions and personal exemptions would be taken against either type of income, whichever was higher, or split between them. The two taxes would be added to find the total tax bill.

For most working-age taxpayers, the bulk of income is earned through personal service, with only a few hundred or a few thousand in savings income added on the top. This bill would bring this income down from the taxpayer's top bracket, where it may face rates of 21, 36, or even 70 percent, and puts it into the 14 or 16 percent brackets, producing a great jump in incentives at relatively low cost.

Let me elaborate on some of the rationale and the details on the income-splitting bill. The bill will treat interest and dividend income more equally with personal service income for tax purposes, thereby encouraging saving and economic growth. This is a carefully targeted proposal of particular benefit to Americans of working years with the desire and ability to save and invest to provide for their retirement and to help the country grow.

On equity grounds, many Members have proposed an interest and dividend exclusion to partially compensate for the damage inflation has done to interest and dividend income from existing savings. This bill does not interfere with such efforts to reward existing saving.

However, in order to encourage additional savings, the tax rates at which additional savings income is taxed must be reduced. The bill equalizes tax rates for both earned and unearned income at rates ranging from 14 to a maximum of 50 percent. This ends the discrimination against saving which has been in the tax code since 1969. Currently, personal service income faces a maximum tax rate of 50 percent, while savings income faces a top rate of 70 percent. The change will raise revenue because of a sharp drop in the use of tax shelters as the top rate is reduced to 50 percent for all forms of income.

Furthermore, low- and middle-income tax rates on savings income are reduced by an income-splitting provision. In current law, after exemptions, earned and unearned income are added together to obtain taxable income, stacking one on top of the other to reach the higher brackets. Under this proposal, each taxpayer would compute a tax on earned income alone, and on unearned income alone, and then add the taxes together. In this way, the first dollar of each type of income would start in the 14-percent tax bracket. Each type of income would rise only through as many brackets as its own size would warrant. The result would be lower tax rates on added income of both types. Specifically, the tax rate on additional interest and dividends from added savings would be in a lower tax bracket than at present for most taxpayers, resulting in more incentive to add to savings.

Currently, individuals with more than $10,000 in preference income—income from tax-sheltered activities—are subject to the minimum tax. As a further inducement for such individuals to return to more productive, ordinary investment, the bill limits the participation of those upper income individuals who continue to use tax shelters. Individuals with more than $10,000 in preference income, other than capital gains, are prohibited from using this income-splitting provision.

The reduction of the top tax rate to 50 percent would cost $4 to $5 billion, and the income-splitting provision, which could be phased in overtime, would add another $8 to $9 billion. These provisions would result in substantial revenue reflow to the Treasury by sharply encouraging a switch from tax-exempt to taxable investments, thus reducing the cost considerably.

We must move on this matter. We cannot wait to find room in the budget. We must make room in the budget. When fully phased in the income-splitting bill will run about $12 to $14 billion at today's prices. This is before tax reflows which are expected to be substantial. For the 25-percent exclusion bill, the initial costs will be less, but the reflows will also be less. The dollar for dollar net benefit to the economy from the income-splitting bill is much more powerful than the 25-percent exclusion bill. But both bills together will finance themselves in the capital markets in the short run out of the savings they generate. They will not be inflationary. In the long run, they will spur economic growth and cause people to leave the tax shelters for ordinary income, and will pay for themselves by tax revenue reflows.

There is ample money for these bills. Inflation is raising taxes in real terms above current annual levels by $15 billion a year, year after year. This means $15 billion the first year, $30 billion the second, $45 billion the third, and so on. It should be no trouble to phase in a bill that will take only the first year's increase. It is affordable. It is essential. It is time to act.

FEDERAL SPENDING LIMITATION

This bill amends the Budget Act to require that spending ceilings in future budget resolutions for fiscal years 1982, 1983, 1984, and 1985 not exceed, respectively, 21, 20, 19, and 18 percent of each year's projected GNP, except by vote of two-thirds of each House of Congress.

REGULATION

One of the most serious problems facing our economy is the stifling effect on profits, incentives, and investments from Federal regulations.

Over the past decade, we have witnessed a huge explosion of Federal rules and regulations. In the mid-1950's, some 10,000 pages were published in the Federal Register each year. By 1970, 15 years later, that number had doubled to 20,000, but now the number of pages added each year is about 75,000. Today, the cumulative Federal Registers fill 52 large shelves and totals over 800,000 pages, and is growing. In fact, Federal regulation is America's No. 1 growth industry.

Shelf space to house these regulations is not what concerns me. What concerns me is the costs these regulations impose on our economy.

In a 1979 study for the Joint Economic Committee, Murray Weidenbaum, professor at Washington University in St. Louis, put the private sector compliance costs at $97.9 billion. In addition, the agency administrative costs total $4.8 billion.

Much of this $102 billion regulatory burden is well intentioned. Concerns over safety, the environment, and consumer protection are legitimate concerns. But, it is time we applied some cost-benefit analyses to these regulations. There must be situations where the cost burdens imposed on society by these regulations exceed the benefits to society.

A number of witnesses who have testified before the Joint Economic Committee in recent years have made a strong point of the fact that Federal regulation aggravates our inflation problem. Higher prices due to regulation stem from two sources: First, the direct dollar expense of compliance with the regulations, currently costing $100 billion in the aggregate, as noted, which comes to about 6 percent of personal consumption expenditures. As a microexample, Government safety and pollution-control devices add about $660 to the price of the average automobile. Second is the adverse impact on productivity. When scientists and researchers are diverted from the constructive pursuits for which they are trained and qualified, to collecting data and filling out forms for Government agencies, productivity declines. Edward F. Denison of the Brookings Institution has estimated that, in recent years, Government regulations have caused a loss of approximately one-fourth of the potential annual increase in productivity. This reduced output per person, of course, exacerbates our already disturbing inflationary pressures.

Something must be done. Americans want these burdens removed; they want action now.

The regulatory reform package I am introducing today is varied, covering three aspects. It is designed to alter our Federal regulatory system. It introduces accountability—both in the Federal agencies and in the Congress. It introduces a system for abolishing existing regulations which are excessive, duplicative, contradictory, or inefficient. It mandates a thorough overhaul of the system for reviewing proposed regulations before issuance to insure that they minimize costs to consumers and businessmen. It seeks to reduce the cost of individual rules and regulations, both in direct tax costs and in the indirect costs of complying with them. The three bills are entitled: "The Regulatory Conflicts Elimination Act of 1981," "The Regulatory Cost Reduction Act of 1981," and "The Federal Regulatory Budget Act of 1981."

Briefly, this is what each bill does.

THE REGULATORY CONFLICTS ACT OF 1981

Under this legislation, the Office of Management and Budget will annually report to Congress and the President on Federal agency rules or regulations which duplicate or conflict with one another. At the start of each fiscal year, the President and the head of each agency will submit to Congress his recommendations for resolving or eliminating duplication or conflicts among these rules or regulations. The recommendations will go into effect 60 days following their submission unless Congress disapproves. The GAO will evaluate the President's recommendations as well as each agency's progress in implementing the recommendations.

It is senseless for a businessman to be put squarely between the rock and the hard place where complying with one regulation requires violating another.

This legislation is designed to eliminate the irrationality of overlapping and contradictory regulations.

THE REGULATORY COST REDUCTION ACT OF 1981

Under this legislation, the regulatory agencies will be required to meet their regulatory objectives in the most cost-effective manner.

Congress generally fails to impose a cost-effectiveness requirement in most measures establishing new regulatory

programs. As a result, regulatory agencies often issue regulations that employ excessively costly methods to achieve their goals. This is a tragic waste of our country's scarce resources.

We need to clean up our environment; we need to make our highways safe; we need to improve the health and safety of our workplaces. But, if we do this wastefully and inefficiently, we are simply misusing valuable resources that could be used to achieve other important goals.

Therefore, regulatory agencies should be required to minimize the cost of achieving their regulatory goals unless this consideration is overridden by a more important national goal. My bill will do this. All agencies will be required to examine all options for attacking a regulatory problem and to choose the least costly alternative. They will be required to publish a regulatory impact analysis in the Federal Register to back up their existing regulations. The only regulations exempt from this requirement are those dealing with military affairs, agency management, and procurement.

Regulation on its face is bad enough. But onerous regulation, not founded on least-cost principles, frustrates business and hurts consumers. If we have to have regulation, enactment of this bill will assure that it is at least efficient regulation.

THE REGULATORY BUDGET ACT OF 1981

My final bill would amend the Congressional Budget Act of 1974 to require the Congress to establish a regulatory budget, along with an administrative budget, which sets for each agency or department the maximum costs of compliance with rules and regulations promulgated by that agency or department. This bill, each year, forces the President and Congress to put a cap on the costs each agency could impose on the private sector, similar to ceilings imposed on the costs of administering the agencies.

It establishes a formal mechanism within the framework of the Congressional Budget Act passed 7 years ago for limiting the burden of Federal rules and regulations. Annually, the President and Congress would establish a maximum regulatory cost—a ceiling—for each Federal agency. This ceiling would be fixed, inviolate, just as agency budgets are today. The cap would be determined after an extensive, broad-based series of hearings, administrative reviews, with ample opportunity for public input.

In the past, the fiscal budget was quite adequate to show the impact of Government on the economy, since almost all Federal Government activities involved direct taxation and direct spending. If one added to these the financial commitments—through loans, guarantees, and insurance—of some 14 off-budget agencies, one could get a fairly clear picture of the Government's impact on the economy. Most of the economic effect of regulation is hidden, since Government-required private sector spending for auto safety, mine safety, pollution control, and consumer protection, plus the attendant paperwork costs, do not appear in the Government's budget figures. They are cloaked in off-off-budget spending, required of the private sector to comply with Federal regulation.

My bill will remove the ignorance surrounding the actual magnitude of costs imposed on the private sector by Federal regulations. This bill, and the other bills I am introducing, would force the Federal agencies to account for their rules, to assess what associated costs exist, and to toe the line in minimizing their costs.

The congressional budget process has worked well in serving to stress the need for spending restraint by Congress. It has increased Congress ability to assess the current status of the Federal budget, and to project—and, thereby control—future spending levels.

It is my hope that the Federal Regulatory Budget Act will yield similar benefits in reining in the runaway cost of burgeoning Federal regulations. There is little question that such restraints are long overdue. It is my conviction that adopting the congressional budget process is the best and most effective way to impose these restraints.

STRUCTURAL UNEMPLOYMENT

There is one economic problem that is most devastating to society. That problem is structural unemployment—that is, unemployment essentially caused by low skills; skills so few and so minimal that the person literally faces a life of unemployment, or at best part-time employment.

It is because of the present desperate situation and inevitable and hopeless future, that the structurally unemployed present this country with a severe test.

To meet this test, I am introducing a bill that will deal squarely with structural unemployment. This bill puts to use our most potent weapon in fighting this or any other economic problem—the private sector.

By the private sector I do not mean just business, but the entire private sector—labor, business, schools, religious organizations, citizen groups, and other members of the local community. Under this bill, these aspects of the private sector will combine the work together to match the structurally unemployed with available jobs. This community combination has proved highly successful in many localities across the country for the opportunities industrialization centers, the Committee for Economic Development, and other organizations that deal directly with structural unemployment.

The bill provides a wage subsidy paid to employers for training and employment. States would approve acceptable employer programs and petition the Secretary of Labor for the subsidy money. The subsidy, which begins at 50 percent of the wage, is decreased at 6-month intervals until it ends after 2 years of employment.

I stress that this subsidy would only be paid if training is provided. Training is the key to the solution. If structural unemployment is defined as being caused by low skills, then any bill that does not stress training is a waste of time and money. This bill will establish training as a requirement in order to provide the structurally unemployed with what they need most. The bill also establishes a priority system for granting these subsidies to private employers; assuring the subsidies will go to the areas where they are most needed and will be most successful.

The first priority established by this bill is the targeting of subsidies to areas of high unemployment. It is an unfortunate fact of our economy that structural unemployment is most severe in the most desperate of economic situations, where the structurally unemployed not only lack skills, but face a job market so depressed that they have only a small chance of receiving employment or training. They have lost man's most important defense—hope.

The second priority is for small business. The Joint Economic Committee has heard time and time again over the years that the most helpful solution to this structural unemployment problem is small business. The reasons are simple. Every community has a great number of small businesses whose condition and needs are most known to the rest of the community. These are the employers that are most responsive to wage subsidies. If only one-third of the 10 million small businesses in the United States would hire just one new employee each, we would more than solve our overall unemployment problem.

As I said earlier, the concept of community is very important to solving the problem of structural unemployment. The biggest problem in any training and employment program is the location of jobs and job retention. Local, private organizations that draw together various aspects of the community to solve the problem of structural unemployment have shown a far greater success in placing people in permanent jobs than any Federal Government training program.

Accordingly, this bill offers its final priority to those employers who use these community organizations in

finding employees. This priority guarantees that the hired worker will be carefully matched to the specific job. And just as important, these organizations will provide the support services after employment which are so critical to the newly hired, low-skill employee. The use of these organizations—called intermediate organizations—separate this bill from other employment and training bills. Judging from the unmatched success of intermediate organizations, it makes this a superior bill.

This bill has an important provision that guarantees that the subsidies will help those who need it the most.

This provision addresses the question of who is eligible for the subsidy. In other words, who is structurally unemployed? This bill uses a simple but reliable definition for structural unemployment that prevents the loss of time and effort just trying to figure out who can be hired under the subsidy.

Eligibility is defined as being out of work for at least 5 weeks and exhausting or being monetarily ineligible to receive unemployment compensation. Thus, the bill identifies workers who have been out of work for a long time and workers who have such low skills that their spotty pattern of employment provides them with only a short time period of unemployment compensation. This simple definition would include youths who have never held a job and, therefore, are not eligible for unemployment compensation. Likewise eligible would be the growing number of women who, by personal choice or economic hardship, have returned to the labor market after an absence of many years and with low marketable skills.

Highly skilled workers would not be eligible under this definition unless they faced dire economic circumstances. The reason is that highly trained workers who lose their jobs would receive unemployment compensation for a long period of time. Only if the highly trained worker was unemployed until unemployment compensation ran out would that person be eligible for subsidized employment.

Another important feature of this bill which improves efficiency is a minimum paperwork provision. This provision provides that no State will receive any Federal money for job subsidization until that State has assured the Secretary of Labor that its modus operandi requires a minimum of paperwork on the part of the employer. This unique feature ingrains administrative efficiency in the program at its inception. This is far different than other bills that start a program and then find out it is impossible to administer.

We must solve this problem of structural unemployment because our slumping economy needs the input of these workers.

But, most crucially, we must solve this problem to help millions of people who find their lives robbed of security, opportunity, and, most of all, hope.

EXPLANATION AS TO VOTE

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

Mr. DANIELSON. Mr. Speaker, it was necessary for me to be absent from the House from December 11 through December 16, 1980, when the 96th Congress adjourned sine die. I therefore missed the following rollcalls. If present I would have voted as follows:

Rollcall No. 677, on December 11, the House voted to suspend the rules and pass the conference report on S. 1097, to establish a national tourism policy, a Cabinet level coordinating council and a nonprofit corporation as an implementing agency to carry out the national tourism policy. I would have voted "nay."

Rollcall No. 678, on December 12, the House failed to suspend the rules and pass House Resolution 829, providing for agreeing to the Senate amendment, with an amendment, to H.R. 4231, to designate the John D. Larkins, Jr., Federal Building. I would have voted "nay."

Rollcall No. 680, on December 13, the House receded from its disagreement and concurred in Senate amendment No. 30, to House Joint Resolution 637, making further continuing appropriations for the fiscal year 1981. I would have voted "yea."

Rollcall No. 681, on December 15, the House approved the Journal of Saturday, December 13, 1980. I would have voted "yea."

CONGRESSIONAL STAFF CUTS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 60 minutes.

Mr. COLLINS of Texas. Mr. Speaker, inflation is the No. 1 concern of America today. Our constituents are looking to Congress to correct it. Too much government caused by too much congressional spending has created this high inflation. America has more Government than it wants, more regulations than it needs, and more taxes than the people can afford to pay.

Congress is responsible for the tremendous growth in the bureaucracy. The heart of the problem is in our own House. We have hired more people on congressional committees and have given them more money. The end result is more bureaucracy. These oversized, overpaid committee employees are directly responsible for the increase in the Federal budget, from $232 billion in 1972 to $494 billion in 1979. The number of committee staff has grown from 817 in 1972 to 1,939 in 1979. The cost of these staff has exploded from $14 million to nearly $96 million during this same period, an increase in funding of 586 percent.

We have known this deficit Government spending has caused inflation. To curb Government growth we must get at the cause of spending—committee staffs. These people draft the budget bills and draft the committee funding resolutions. Really, they write regulations to keep their jobs.

Two years ago in the 96th Congress, we began the fight to reduce committee staff and funding. The average vote was 264 to 120. But the votes to cut gained in 1980 for an average vote of 248 to 151. This Congress will see 52 more new Republicans voting in the House, and, combined with more support from conservative Democrats, we are going to vote for savings and a more efficient Congress.

As we begin this session, each House committee meets to establish its own budget request. They should cut down to basics. Their budget must then go to the Subcommittee on Accounts. The next step is approval from the full House Administration Committee. In the fourth and final stage, the committee budgets come to the House floor. We all must be ready to reduce inflated budgets.

To assist you in the preparation of your 1981 committee budgets, I submit eight tables which reflect the unnecessary expansion of so many committees since 1970. This material was prepared with the assistance of Congressional Research Service. For example, in 1978, 90 percent of expenditures went for salaries. The Committee on the District and the Rules Committee spent nearly 98 percent of their funds on salaries.

Salaries are the major item for consideration. Some committees are also out of line on travel expenses, witness fees and excessive computer and equipment costs. But the real concern, and our emphasis, will be to eliminate all of these excessive investigative staff and their cost.

Let us look at some comparisons for the 92d and 96th Congresses: Agriculture funding ballooned from $250,000 to $2,272,000. House Administration, with its duplicative computer services, grew from $615,000 to $22,699,500. Merchant Marine zoomed from $519,000 to $3,176,245. Ways and Means expanded from $75,000 to $4,252,000. Why should the Rules Committee that had a $5,000 budget in the 92d Congress need $1,134,000 in the 96th? Total committee budgets for these investigative staff grew from $6,800,000 in 1971 to $46,762,000 in 1979. When we cut the fat out of these committee budgets we will take the

first step toward reducing the size of the Government.

The material follows:

FACTSHEET—COMMITTEE STAFF FUNDING: STATUTORY AND INVESTIGATIVE

Committee staff in the House are divided into two categories: statutory and investigative. Statutory employees are hired without regard to political affiliation, solely on the basis of their ability to perform required duties, and are prohibited from performing work other than committee business during their hours of employment. Statutory staff are augmented by investigative personnel, hired pursuant to annual "inquiries and investigations" funding resolutions. Investigative staff are not covered by the legal protections and prohibitions under which statutory staff function.

All House committees except Appropriations and Budget are authorized to employ up to 30 statutory staff (18 professional and 12 clerical). The Appropriations and Budget Committees are permitted by House Rule XI to determine the appropriate level of staff they require. Neither committee is required to submit a funding resolution for employment of investigative staff.

Committees are funded through the Legislative Branch Appropriations Act approved by the Congress each year. Several line items in the appropriations measure relate to committee funding. Statutory staff for standing committees (including Appropriations and Budget Committees) are funded under "Committee Employees." Separate line items provide funds for studies and investigations expenses of the Appropriations and Budget Committees.

The contingent fund of the House covers all other committee expenses. Two line items under the contingent fund section contain contingent fund moneys to cover these expenses: (a) the "Special and Select Committees" line item provides funds for the expenses and salaries of special and select committees, salaries of nonstatutory (investigative) staff of standing committees, and the expenses of committee investigations and studies, and; (b) the "Allowances and Expenses" line item provides funds for other expenses of all committees, e.g. government contributions to employee life insurance fund, retirement fund, and health benefits; postage needs; furniture and furnishings, and stenographic reports of committee hearings. The "Allowances and Expenses" category also provides funds for telephone, telegraph, and stationery supplies, as they relate to the legislative function of committees. It does not provide for telephone and stationery expenses related to committee investigations and studies, since these are included in committee budgets and funded under the "Special and Select Committee" funds.

Appropriations for committee expenses are made on a fiscal year basis by the Legislative Branch Appropriations Act. However, for committees to obtain funds for special and select committee expenses and staff salaries, they must submit a budget to the House Administration Committee for each session.

Budget estimates for statutory staff salaries are based generally on past cost and usage. Similarly, estimates for committee funding resolutions are based on past experiences and anticipated needs.

TABLE I.—SUMMARY STATISTICS ON COMMITTEE STAFF AND FUNDING

Committee	92d	93d	94th	95th	96th	Percent increase
Agriculture:						
Staff	18	20	48	56	68	278
Funding	$250,000	$300,000	$1,585,561	$1,980,200	$2,272,200	809
Armed Services:						
Staff	33	29	38	48	50	52
Funding	$450,000	$375,000	$1,554,275	$1,235,500	$1,504,000	234
Banking, Finance Urban Affairs:						
Staff	49	51	85	107	105	114
Funding	$1,518,500	$2,138,300	$3,876,113	$5,227,180	$5,004,887	230
District of Columbia:						
Staff	38	34	43	38	41	8
Funding	$250,000	$550,000	$783,211	$550,000	$604,670	142
Education and Labor:						
Staff	82	95	114	102	113	38
Funding	$2,478,000	$2,620,000	$4,218,000	$4,286,000	$4,939,500	99
Foreign Affairs:						
Staff	32	36	54	93	85	166
Funding	$936,582	$1,168,735	$2,016,169	$3,680,762	$3,620,923	287
Government Operations:						
Staff	57	58	68	80	83	46
Funding	$1,832,600	$2,111,000	$3,129,000	$3,597,000	$4,368,400	138
House Administration:						
Staff	31	122	217	268	284	816
Funding	$615,000	$5,570,000	$11,768,000	$20,767,500	$22,699,500	3,591
Interior and Insular Affairs:						
Staff	19	38	57	64	74	289
Funding	$704,000	$1,496,000	$1,860,182	$1,975,000	$2,516,679	257
Interstate and Foreign Commerce:						
Staff	46	56	112	130	160	248
Funding	$1,474,000	$1,819,000	$6,056,000	$6,602,000	$7,458,000	406
Judiciary:						
Staff	39	44	69	84	82	110
Funding	$800,000	$2,880,218	$3,107,857	$2,779,020	$2,838,676	255
Merchant Marine and Fisheries:						
Staff	23	22	28	62	91	296
Funding	$519,000	$494,500	$810,500	$2,300,000	$3,176,245	512
Post Office and Civil Service:						
Staff	44	44	61	61	65	48
Funding	$1,056,000	$1,173,500	$1,439,000	$1,550,000	$1,800,000	70
Public Works and Transportation:						
Staff	47	64	88	88	82	74
Funding	$1,871,560	$2,914,180	$4,418,848	$4,050,000	$3,740,000	100
Rules:						
Staff	6	7	18	24	40	567
Funding	$5,000	$7,000	$67,750	$91,500	$1,134,000	22,580
Science and Technology:						
Staff	25	27	47	77	89	256
Funding	$790,000	$780,000	$1,296,738	$2,898,400	$3,496,800	343
Small Business:						
Staff			27	39	50	85
Funding			$1,056,925	$1,387,650	$1,528,650	45
Standards of Office Conduct:						
Staff	5	5	5	31	15	200
Funding	$25,000	$25,000	$270,000	$1,020,000	$1,000,000	3,900
Veterans Affairs:						
Staff	19	18	26	31	34	79
Funding	$260,000	$270,000	$814,763	$900,000	$752,490	189
Ways and Means:						
Staff	23	31	63	92	98	326
Funding	$75,000	$520,000	$3,615,000	$4,230,000	$4,252,000	5,569

TABLE II.—HOUSE APPROPRIATIONS FOR COMMITTEE EXPENSES, 1971–79

Fiscal year	Committee employees (statutory)	Appropriations/budget investigations	Select and special committees (includes funding resolutions for standing committees)
1971	$6,560,000	$1,015,000	$6,800,000
1972	8,381,000	1,219,000	10,770,000
1973	8,400,000	1,447,000	12,675,000
1974	8,400,000	1,612,000	14,175,000
1975	8,762,000	1,875,000	14,618,000
1976	20,766,000	[1]2,274,000	20,450,000
1977	21,805,000	[1]2,937,000	23,993,000
1978	24,705,000	[1]3,164,000	32,700,000
1979	24,705,000	[1]3,156,000	46,762,000

[1]Includes investigative funds for the Budget Committee as well.

TABLE III.—TOTAL AUTHORIZATIONS FOR "INQUIRIES AND INVESTIGATIONS", 92D–96TH CONGRESSES

Committee	92d	93d	94th	95th	96th	Percent increase
Agriculture	250,000	300,000	1,585,561	1,980,200	2,272,200	809
Armed Services	450,000	375,000	1,554,275	1,235,500	1,504,000	234
Banking, Finance and Urban Affairs	1,518,500	2,138,300	3,876,113	5,227,180	5,004,887	230
District of Columbia	250,000	550,000	783,211	550,000	604,670	142
Education and Labor	2,478,000	2,620,000	4,218,000	4,286,000	4,939,500	99
Foreign Affairs	936,582	1,168,735	2,016,169	3,680,762	3,620,923	287
Government Operations	1,832,600	2,111,000	3,129,000	3,597,000	4,368,400	138
House Administration [1]	615,000	5,570,000	11,768,000	20,767,500	22,699,500	3,591
Interior and Insular Affairs	704,000	1,496,000	1,860,182	1,975,000	2,516,679	257
Interstate and Foreign Commerce	1,474,000	1,819,000	6,056,000	6,602,000	7,458,000	406
Judiciary	800,000	2,880,218	3,107,857	2,779,020	2,838,676	255
Merchant Marine and Fisheries	519,000	494,500	810,500	2,300,000	3,176,245	512
Post Office and Civil Service	1,056,000	1,173,500	1,439,000	1,550,000	1,800,000	70
Public Works and Transportation	1,871,560	2,914,180	4,418,848	4,050,000	3,740,000	100
Rules	5,000	7,000	67,750	91,500	1,134,000	22,580
Science and Technology	790,000	780,000	1,296,738	2,898,400	3,496,800	343
Small Business			1,056,925	1,387,650	1,528,650	45
Standards of Official Conduct	25,000	25,000	270,000	1,030,000	1,000,000	3,900
Veterans' Affairs	260,000	270,000	814,763	900,000	752,490	189
Ways and Means	75,000	520,000	3,615,000	4,230,000	4,252,000	5,569

[1]Includes HIS.

TABLE IV.—HOUSE COMMITTEE STAFF LEVELS: STATUTORY AND INVESTIGATIVE, 1973–79 [1]

Committee	1973		1974		1975		1976		1977		1978		1979	
	Statutory	Investigative	Statutory	Investigative	Statutory	Investigative	Statutory	Investigative	Statutory	Investigative	Statutory	Investigative	Statutory	Investigative
Agriculture	11	9	10	12	26	22	29	29	29	27	31	27	28	43
Appropriations	69	8	78	7	91	7	111	7	125	([2])	[2]129	([2])	123	8
Armed Services	23	6	25	5	29	9	27	12	30	18	29	16	30	17
Banking, Finance and Urban Affairs	9	42	9	50	17	68	26	86	24	83	29	81	24	125
Budget	([3])	([3])	([3])	([3])	[3]67	([3])	[3]65	([3])	[3]56	[3]20	[3]77	([3])	[3]84	([3])
District of Columbia	13	21	12	25	28	15	30	24	24	14	24	11	27	12
Education and Labor	12	83	12	96	26	88	25	104	23	79	22	81	26	94
Foreign Affairs	11	25	10	31	28	26	24	40	26	67	26	75	29	54
Government Operations	11	47	12	52	20	48	17	56	15	65	19	63	19	67
House Administration [4]	12	110	12	151	26	191	30	218	28	240	35	234	30	236
Interior and Insular Affairs	12	26	10	31	30	27	30	28	28	36	29	39	29	58
Interstate and Foreign Commerce	16	40	16	42	29	83	25	113	27	103	28	121	27	127
Judiciary	15	29	15	157	23	46	22	62	28	56	29	53	30	52
Merchant Marine and Fisheries	10	12	10	12	20	8	24	10	30	32	29	50	28	63
Post Office and Civil Service	11	33	9	34	23	38	27	37	28	33	30	35	30	36
Public Works and Transportation	12	52	12	60	22	66	25	76	25	63	27	56	28	54
Rules [5]	7		9		18		26		24		25		27	15
Science and Technology	12	15	12	17	28	19	28	25	28	49	33	47	30	57
Small Business	([3])	([3])	([3])	([3])	13	14	10	21	11	28	9	31	20	29
Standards of Official Conduct	5	([5])	5	([5])	5	([5])	14	([5])	26	5	28	9	16	
Veterans' Affairs	10	8	10	6	20	6	22	9	19	12	22	12	23	10
Ways and Means	27	4	27	4	26	37	30	56	26	66	29	64	30	64
Total	308	570	315	792	615	818	667	1,013	680	1,096	739	1,105	738	1,221

[1]Staff levels for 1973–76 are those as of June 30 of each year. Staff levels for 1977 and 1978 are those as of Sept. 30.
[2]Appropriations and Budget Committees are permitted to establish their own staff levels. Staff report formats make it impossible to determine which staff held statutory positions and which held investigative positions. In such instances, combined staff figures are included in the statutory staff total.
[3]Committee was not a standing committee.
[4]Figures include employees of House Information Systems, the central computer facility.
[5]Committee did not employ investigative staff.

TABLE V.—COMMITTEE WORKLOAD, 92D–96TH CONGRESSES

Committee	92d		93d		94th		95th		96th	
	Referred	Reported	Referred	Reported	Referred	Reported	Referred	Reported	Referred	Reported
Agriculture	615	48	666	46	772	51	785	95	394	49
Armed Services	791	82	740	68	621	34	484	124	375	40
Banking, Finance, and Urban Affairs	664	24	1,087	33	743	29	825	80	483	19
District of Columbia	274	57	222	27	94	13	84	38	43	15
Education and Labor	1,117	29	1,244	40	1,084	34	1,112	83	520	33
Foreign Affairs	1,068	31	970	90	798	46	967	93	542	28
Government Operations	468	14	536	27	565	20	478	57	325	22
Interior and Insular Affairs	1,072	121	1,094	105	1,036	107	880	247	639	123
Interstate and Foreign Commerce	2,164	54	2,712	67	2,442	66	2,322	140	1,331	86
Judiciary	2,536	([1])	3,601	211	2,883	61	3,049	310	2,121	180

TABLE V.—COMMITTEE WORKLOAD, 92D–96TH CONGRESSES—Continued

Committee	92d		93d		94th		95th		96th	
	Referred	Reported	Referred	Reported	Referred	Reported	Referred	Reported	Referred	Reported
Merchant Marine and Fisheries	535	55	514	54	478	50	477	138	261	68
Post Office and Civil Service	792	33	877	33	1,543	50	1,474	132	677	39
Public Works and Transportation	746	23	649	40	891	160	830	132	473	64
Science and Technology	158	7	283	11	261	21	224	55	187	35
Small Business [1]					96	4	144	16	80	14
Veterans Affairs	693	63	840	15	720	23	709	249	339	11
Ways and Means	3,157	68	3,420	45	3,740	96	3,924	140	2,383	91

[1] Created as standing committee in 1975.
[2] Data not available.

TABLE VI.—EXPENDITURES OF STANDING COMMITTEES IN THE U.S. HOUSE OF REPRESENTATIVES 95TH CONGRESS, 2D SESSION (1978) [1]

Committee	Statutory	Salaries investigative	Total	Training	Travel	Equipment	Consultants	Miscellaneous	Total
Agriculture	$959,626	$651,088	$1,610,714		$37,039	$85,005		$103	$1,732,861
Armed Services	876,549	380,986	1,257,535	3,567	55,199	16,570	8,509		1,341,380
Banking, Finance and Urban Affairs	928,229	2,036,744	2,964,973		73,283	101,348	24,052	24,760	3,188,416
District of Columbia	661,443	230,818	892,261		3,614	16,330			912,205
Education and Labor	880,291	1,629,263	2,509,554		81,242	57,661	2,667	429	2,651,553
Government Operations	636,458	1,535,558	2,172,016		43,733	68,226	5,219	172	2,289,366
House Administration	974,091	389,944	1,364,035		35,212	38,500	26,524	47,463	1,511,734
Interior and Insular Affairs	1,041,805	758,079	1,799,884		77,171	20,562	6,147	33,766	1,937,530
International Relations	875,886	1,294,036	2,169,922		101,286	48,385	37,161	559	2,357,313
Interstate and Foreign Commerce	941,236	2,993,564	3,934,800		124,131	59,851	43,310	77,465	4,239,557
Judiciary	947,006	1,067,157	2,014,163	815	48,869	68,109	55,798		2,187,754
Merchant Marine and Fisheries	977,191	948,655	1,925,846		97,916	68,347	113,980	4,238	2,210,327
Post Office and Civil Service	943,271	593,183	1,536,454		45,898	28,722		2,589	1,613,663
Public Works and Transportation	947,543	1,465,615	2,413,158		117,862	45,145	3,904	305	2,580,374
Rules	644,088		644,088		598	14,746			659,432
Science and Technology	974,300	1,077,101	2,051,401		89,051	61,692	59,048		2,261,192
Small Business	304,100	598,567	902,667		21,016	13,624	2,803	10,777	950,887
Standards of Official Conduct	860,890	189,874	1,050,764		47,545	27,478	158,936	15,929	1,300,652
Veterans' Affairs	609,989	211,303	821,292		33,742	22,883	5,318		883,235
Ways and Means	1,086,185	1,592,056	2,678,241		85,618	68,221	1,275,000		4,107,080
Total	17,070,177	19,643,591	36,713,768	4,382	1,220,025	931,405	1,828,376	218,555	40,916,511

[1] Does not include data on the Appropriations or Budget Committees.

TABLE VII.—INVESTIGATIVE STAFF—ANNUAL SALARIES [1]

[Dollars in thousands]

Committee	$50 plus	$40 to $50	$30 to $40	$20 to $30	$10 to $20	$0 to $10	Total
Agriculture			12	11	13	3	39
Armed Services	3	5	2	2	10		22
Banking, Finance and Urban Affairs	9	8	18	13	17	1	66
District of Columbia				1	9	1	11
Education and Labor	4	4	14	27	40	17	106
Foreign Affairs	2	7	11	16	19		55
Government Operations	7	10	17	19	13		66
House Administration		1	0	5	22	7	35
House Information Systems	2	9	38	58	89	2	198
Interior and Insular Affairs			9	18	13	1	41
Interstate and Foreign Commerce	8	15	28	31	33	1	116
Judiciary		2	7	19	22	1	51
Merchant Marine and Fisheries		1	5	28	21		55
Post Office and Civil Service			2	14	14	6	36
Public Works and Transportation	1	6	11	16	19		53
Rules			1	5	10	1	17
Science and Technology		8	14	11	24	3	60
Small Business	2		6	9	6		23
Standards of Official Conduct							
Veterans' Affairs			1	4	4		9
Ways and Means	5	6	12	11	27		61
Total	43	82	208	318	425	44	1,120

[1] November, 1980 payroll.

TABLE VIII.—1980 VOTES ON COMMITTEE FUNDING

COMMITTEE	1980 vote	1980 votes minus defeats and retirees
Agriculture	288–115	236–103
Armed Services	Voice	
Banking, Finance & Urban Affairs	231–169	186–146
District of Columbia	Voice	
Education and Labor	210–184	168–165
Foreign Affairs	220–175	178–156
Government Operations	241–159	195–142
House Administration (includes HIS)	232–162	191–144
Interior and Insular Affairs	257–146	209–130
Interstate and Foreign Commerce	271–132	228–120
Judiciary	260–139	219–123
Merchant Marine and Fisheries	237–166	191–148
Post Office and Civil Service	206–194	161–175
Public Works and Transportation	307–92	252–84
Rules	220–176	
Science and Technology	257–145	209–129
Small Business	343–57	284–52
Standards of Official Conduct	382–1	
Veterans' Affairs	Voice	
Ways and Means	250–151	202–136

Average vote in 1979: 264–120.
Average vote in 1980: 248–151.
Votes needed in 1981: 51.
52 new Republicans came into the 97th Congress.
Committees terminated in 1980: (1) Select Committee on Committees, (2) Select Committee on Narcotics Abuse and Control, (3) Select Committee on Outer Continental Shelf, (4) Select Committee on Population.

FAIRNESS FOR CALIFORNIA FISHERMEN

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

Mr. PANETTA. Mr. Speaker, I bring to your attention legislation of tremendous importance to the fishermen of California. It is an amendment to the Fishery Conservation and Management Act of 1976 to create a California Pacific Fishery Management Council to have jurisdiction over the State's vast fishery resources.

Since the enactment of the 1976 law which created the present Pacific Fishery Management Council, California fishermen have felt that their concerns are not being fully represented. While the members of the council have tried in good faith to be sensitive and responsible to the needs of California fishermen, the fact of the council's overextended jurisidiction has prevented it from doing an adequate job. The basic purpose of these councils was to provide for the specific needs of fishermen in line with particular problems they may face in their areas. California has a 1,000-mile coastline with unique fisheries and concerns. When these are combined with the problems of Oregon, and Washington, and Idaho, California fishermen get the short end of the stick.

My colleagues will note that the 96th Congress passed a 3-year reauthorization of the Fishery Conservation and Management Act which expanded the voting membership on the Pacific Fishery Management Council from 13 to 15.

I commend my colleagues on the Merchant Marine and Fisheries Committee for this reform because it reflects the committee's recognition of the present Pacific Fishery Management Council's inability to do the job. I believe, however, that additional reform is needed to address the needs of California is needed to address the needs of California fishermen in particular. As the Commerce Department moves forward with the adoption of various fishery management plans, it is vital that we create a separate council with jurisdiction over the 1,000 miles of coastal fisheries off of California.

The California State Legislature has passed a resolution urging Congress to create the very council I propose in my legislation. At present, the Pacific Fishery Management Council includes the Western States of Oregon, Washington, and Idaho, as well as California. Yet California has more fisheries in the fishery conservation zone than the other Pacific council States combined. In fact, of the many species of fish for which management plans are being developed, only three of those found in California waters are common to the other States. Indeed, a number of the east coast management councils encompass areas a great deal smaller than California alone, much less the present Pacific council.

In the interest of equitable representation, I urge my colleagues to support this effort. Your support in bringing this matter before the committee will be greatly appreciated.

The following is the text of my proposal:

H.R. 770

A bill to amend section 302(a) of the Fishery Conservation and Management Act of 1976 to create a new California Pacific Council with authority over the fisheries in the Pacific Ocean seaward of the State of California

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 "Fairness for California Fishermen Act of 1981".

SEC. 2. Section 302(a) of the Fishery Conservation and Management Act of 1976 is amended—

(1) in the matter preceding paragraph (1), by striking out "eight" and inserting in lieu thereof "nine";

(2) in paragraph (6), by striking out "California,"; and

(3) by adding at the end the following new paragraph:

"(9) CALIFORNIA PACIFIC COUNCIL.—The California Pacific Fishery Management Council shall consist of the State of California and shall have authority over the fisheries in the Pacific Ocean seaward of such State. The California Pacific Council shall have 9 voting members, including 7 appointed by the Secretary pursuant to subsection (b)(1)(C) (7 of whom shall be appointed from the State of California).".

VIRGINIA DELEGATION INTRODUCES PORT DREDGING BILL

The SPEAKER pro tempore (Mr. AUCOIN). Under a previous order of the House, the gentleman from Virginia (Mr. TRIBLE) is recognized for 5 minutes.

● Mr. TRIBLE. Mr. Speaker, in the last year there has been a dramatic surge in worldwide demand for American coal. The nations of Western Europe and Japan have chosen to rely on the coal available in the United States, rather than depend on uncertain supplies of increasingly expensive Mideast oil.

This development has assumed national importance. The economic gains—increased employment and investment, and a decrease in our balance-of-payments deficit—will have a national impact. In addition, the American coal industry is experiencing a revitalization, particularly the coal-producing States of Kentucky, West Virginia, Pennsylvania, and Ohio. Demand will continue to rise and coal exports are expected to double in the next decade.

This valuable natural resource must pass through our ports and our ports have proved the weakest link in the chain of supply running from American mines to foreign facilities. Nowhere is this more evident than in the port of Hampton Roads. Seventy percent of the coal exported by the United States flows through Hampton Roads and the Virginia Port Authority estimates that coal exports through Hampton Roads will increase by 33 percent this year.

There are, however, serious problems which jeopardize our Nation's position as a major coal exporter. One is the adequacy of coal loading facilities. American business is moving rapidly to meet this challenge. There have been commitments to construct large new loading facilities, and other proposals are under active consideration.

These new facilities alone will not be enough. The capacity of the port to receive large coal colliers, load them, and turn them around without excessive delay is also inadequate. The consequence is exceedingly long vessel delays at the port. These vessel delays are costly. The queue of colliers awaiting pier space in Hampton Roads frequently now exceeds 100 vessels. Each day a collier sits idle costs an estimated $15,000 and vessels have been lying at anchor for up to 35 days.

These delays, and their attendant costs, threaten our position as a coal exporter and could, conceivably, lead the nations of the world to turn to other sources. Our domestic economy—especially the economies of our coal-producing States—and our balance of payments would suffer irreparably.

The solution to the problem of port capacity is to deepen the channels of Hampton Roads to accommodate super colliers. Many ships now depart from Hampton Roads carrying several thousand tons of coal less than their

full capacity. This means more ships waiting at anchorage.

Studies done by the Army Corps of Engineers indicate that with each foot of increased draft, the typical collier will be able to load an additional 5,000 tons of coal. Were the channel deepened to 55 feet, the deeper draft vessels now calling at Hampton Roads would be able to carry an additional 55,000 tons per ship. Many of the foreign ports have channels of depths of 55 feet or more which can readily accommodate the larger vessels.

The Army Corps of Engineers has been actively studying the issues since 1969. Their feasibility report recommends deepening the major channels in Hampton Roads from 45 to 55 feet up to coal loading facilities in Norfolk and Newport News, and the dredging of a new channel in the Atlantic Ocean to a depth of 57 feet. In addition, the project would provide three fixed mooring areas, each capable of handling two vessels simultaneously.

The cost-benefit analysis for the projects computed by the corps is 4.7 to 1. With the anticipated expansion of coal facilities, the port will have the capacity to handle an additional 40 million tons of steam coal. If this additional 40 million tons is included in the economic analysis, the cost-benefit ratio will rise to 9.1 to 1.

Yesterday Virginia's 10 Members of this body introduced legislation which will contribute substantially to resolution of the port capacity problem. It authorizes the Secretary of the Army, acting through the Army Corps of Engineers, to dredge the port of Hampton Roads to a depth of 55 feet. In addition, the legislation calls for the construction of needed anchorage and mooring areas for vessels. The project is to proceed on an expedited basis to insure completion at the earliest possible date.

In sum, this legislation will maintain America's competitiveness in the international market, contribute substantially to our balance of payments, and improve our domestic economy. It is a measure that merits prompt congressional action.●

ABSCAM AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday the Justice Department asserted that it has the right to lure a public official into a criminal act, even when, and I quote:

> There is no reasonable indication that that particular individual has engaged, or is engaging in, the illegal activity that is properly under investigation.

This assertion is at the heart of the whole Abscam business. In each and every case, the FBI offered bribes to people who had not committed crimes, but who the FBI thought might be induced to commit crimes. For the courts, this kind of perverse process raises the legal question of what entrapment is or is not. For me, and others who are concerned about our constitutional system, the question is, Whatever happened to the right of presumed innocence, and whatever happened to the separation of powers?

Even the Justice Department recognizes how thin is the line between what they are doing and what they can properly do; even they recognize that this kind of technique is so dangerous that abusive investigators could wreck the Constitution itself. That is why they add to their guidelines on undercover operations the caveat:

> In any undercover operation, the decision to offer an inducement to an individual . . . shall be based solely on law enforcement considerations.

Another way of saying this is that the Justice Department does not think it would be nice to offer bribes to public officials as a way of getting at or doing in the opponents or enemies of any particular administration. Now I am not an enemy of the present administration, far from it—but I know that past administrations, and specifically the Nixon administration, was not above using investigative powers and regulatory powers to punish perceived opponents. Knowing that history, how could anyone fail to be alarmed at the assertion that investigators can attempt to bribe people who are known to be innocent, and how can anyone believe that the caveat quoted above has any meaning or offers any protection?

The undercover operations guidelines issued yesterday by the Attorney General sanctify the Abscam techniques, but they do not erase the questions about this sinister method of so-called law enforcement. Legal investigations are supposed to be concerned with solving crimes that have actually taken place, not creating criminal acts.

The quick reaction to what I am saying is to shrug and say that an innocent person might be counted on to refuse to be tempted. But that begs the question: Why should an innocent person be put to such a test? What kind of Orwellian vision is it that invites agents of the Government to place in front of innocent persons deals that they cannot afford to pass up? The guidelines say that the FBI cannot offer a bribe to anyone who is not predisposed to accept. But by definition, anyone who does accept would be predisposed, and therefore anyone can be approached by the bagmen of the FBI.

Now let us suppose that the FBI uses this kind of technique merely to amass evidence so as to put officials under its control. What then becomes of the independence of public officials? The answer is self-evident. And we should not think for a moment that this kind of blackmail has not taken place; we know that it has. The undercover guidelines issued yesterday simply make it easier for this to happen.

The business of law enforcement agencies is to investigate criminal acts, not manufacture them. Abscam was not an investigation into criminal acts; it was the actual manufacture of criminal acts. There is no denying that the evidence showed money changing hands, and that was illegal. But the issue is this: How can we know that any one of those individuals has ever before committed a crime, or would have ever done so? Does the FBI have a license to go out and offer fantastic temptations, so as to entice people into criminal acts? I say that they do not, and if they do, if they can go out and manufacture crime, the whole basis of our judicial system is in trouble. We are confronted with the techniques of the tyrant.

I have grown up in a rougher school than most. I know what it is to have someone try to set up a frame to compromise a political enemy, for that has been done to me. I know what it is to be the target of FBI surveillance, for no crime greater than to attend an NAACP meeting and advocate racial justice. I know what it is to be confronted, as a poor man, with offers of great opportunity by people who want a lever over me and my office. But others have not been through that kind of experience, do not understand how thin the line is between law enforcement and legal abuse, do not know how dearly have been bought our constitutional protections.

I have seen enough to know, with no doubt whatever, that when the Attorney General claims the right to offer criminal bribes to people who have done no wrong, are known to be innocent, and who might never do anything wrong, it is dangerous, it is pernicious, and it is contrary to our basic principles. Who but the tyrant has any interest in inducing innocent people to commit crimes? Who but the tyrant seeks to manufacture crime, rather than investigate actual criminal acts? Who but the tyrant seeks to use perverse methods in the pursuit of some self-defined goal or good? For we all know that when the criminal acts of criminal regimes are revealed, the jurisdiction is always the same: It was for the good of the country. The argument of tyrants and the creed of slaves is: Necessity.

Our country is one of the few on the face of the Earth that has proclaimed that good goals and right ends are not to be attained by perverse means and wrong acts. We stand threatened today, all of us. Remember: The worse of slaves are corrupted free men.

I commend to my colleagues that report of the New York Times on the Justice Department's claim to the right of offering bribes to the innocent:

NEW RULES FOR FBI FORBID ENTRAPMENT—BUT AGENT COULD BE AUTHORIZED TO OFFER BRIBE TO A PUBLIC OFFICIAL

(By Robert Pear)

WASHINGTON, January 5.—The Justice Department issued guidelines today under which the Director of the Federal Bureau of Investigation could, in some cases, authorize undercover agents to offer a bribe to a public official "even though there is no reasonable indication that that particular individual has engaged, or is engaging" in a crime.

The guidelines, approved by Attorney General Benjamin R. Civiletti, were prepared jointly by officials of the bureau and the department. The rules state that "entrapment should be scrupulously avoided" in all undercover operations. Entrapment is defined in the guidelines as "the inducement or encouragment of an individual to engage in illegal activity in which he would otherwise not be disposed to engage."

The Justice Department, in a statement accompanying the rules, said they were "significantly more restrictive" than the law of entrapment or the constitutional principles requiring "due process of law" in Federal investigations.

Meanwhile, the attorney for one of the Abscam defendants, Representative Raymond F. Lederer, Democrat of Pennsylvania, said as the trial opened in Federal District Court in Brooklyn that the defense would argue that the Congressman was a victim of illegal "entrapment" by Federal undercover agents. [Page A17.]

The law of entrapment, now somewhat murky, is almost certain to be clarified by the courts in cases arising from the Abscam investigation of corruption among elected officials. In those cases, undercover Federal agents, posing as representatives of wealthy Arab sheiks, offered bribes to members of Congress and other officials selected by "middle men" cooperating with the bureau.

Last November, a Federal judge set aside the convictions of two Philadelphia officials after finding that the Abscam investigators had "stretched" the law and "entrapped" the defendants.

Irvin B. Nathan, the Deputy Assistant Attorney General who supervised the Abscam investigation, said that, under the guidelines, it would have been "essentially the same," though perhaps with "certain refinements and improvements in procedural matters."

The new rules make formal existing procedures and do not make it significantly easier or more difficult for agents to gain approval for undercover investigations.

The standards issued today have been in preparation for 18 months. Justice Department officials said, in response to questions, that the final review might have been expedited slightly to insure publication before the Carter Administration leaves office on Jan. 20.

In the last three years, the bureau has increasingly used undercover techniques to investigate white-collar crime, political corruption and organized crime.

The new guidelines define the type of information that the bureau must have before beginning an undercover investigation, and establish a multilevel system of review requiring higher authorization for the use of particularly sensitive techniques.

TOP REVIEW REQUIRED

The guidelines say that certain types of undercover operations may not be approved by an F.B.I. field supervisor and must be referred to Washington, where a committee of Justice Department and bureau officials will review the proposal.

Investigations in this category include those requiring the expenditure of more than $20,000, those lasting more than six months and those focusing on the activities of a public official, a foreign government or a news organization.

"Under the law of entrapment," the guidelines read, "inducements may be offered to an individual even though there is no reasonable indication that that particular individual has engaged, or is engaging, in the illegal activity that is properly under investigation."

Before authorizing the offer of a bribe or other inducement to commit a crime, the review committee must have reason to believe that the recipient "is engaging, has engaged or is likely to engage in illegal activity." Alternatively, the committee must conclude that the people being offered an opportunity to commit some crime were "predisposed" to do so.

Even if neither of these conditions is satisfied, the Director of the bureau may still authorize the payment of a bribe, subject to general restrictions found elsewhere in the guidelines.

EXCERPTS FROM GUIDELINES ON COVERT OPERATIONS

WASHINGTON, January 5.—Following are excerpts from the guidelines issued today by the Justice Department to govern undercover operations conducted by the Federal Bureau of Investigation:

AUTHORIZATION OF THE CREATION OF OPPORTUNITIES FOR ILLEGAL ACTIVITY

(1) Entrapment should be scrupulously avoided. Entrapment is the inducement or encouragement of an individual to engage in illegal activity in which he would otherwise not be disposed to engage.

(2) In addition to complying with any legal requirements, before approving an undercover operation involving an invitation to engage in illegal activity, the approving authority should be satisfied that

(a) The corrupt nature of the activity is reasonably clear to potential subjects;

(b) There is a reasonable indication that the undercover operation will reveal illegal activities; and

(c) The nature of any inducement is not unjustifiable in view of the character of the illegal transaction in which the individual is invited to engage.

(3) Under the law of entrapment, inducements may be offered to an individual even though there is no reasonable indication that that particular individual has engaged, or is engaging, in the illegal activity that is properly under investigation. Nonetheless, no such undercover operation shall be approved without the specific written authorization of the Director, unless the Undercover Operations Review Committee determines, insofar as practicable, that either

(a) there is a reasonable indication, based on information developed through informants or other means, that the subject is engaging, has engaged, or is likely to engage in illegal activity of a similar type; or

(b) The opportunity for illegal activity has been structured so that there is reason for believing that persons drawn to the opportunity, or brought to it, are predisposed to engage in the contemplated illegal activity.

(4) In any undercover operation, the decision to offer an inducement to an individual, or to otherwise invite an individual to engage in illegal activity, shall be based solely on law enforcement considerations.

ELECTORAL COLLEGE HAS OUTLIVED ITS USEFULNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, there is no question but that our Constitution is one of the greatest charters of government ever written. But one reason it has served so admirably for over 200 years as the foundation for our Government is that we have been willing to change it when the need arose. I believe such a need is now upon us.

If there was one area in which the Founding Fathers saw the future with something less than their usual clarity and wisdom, it was in the manner in which we would elect our President. They either failed to see, or hoped to prevent, the rise of political parties and the direct participation of the people in the election of our national leader. By providing for electors who would actually select the President, and having all of a State's electoral votes counted for the leading candidate in that State, they devised a system that in light of today's reality is undemocratic, cumbersome, and potentially dangerous.

I am introducing a resolution today that would abolish the electoral college and provide for the direct election of the President by the voters—the method by which we elect all our other public officials and the only method that is consistent with the democratic ideals that we profess to follow.

My amendment would provide that the candidate receiving at least 40 percent of the popular vote would be elected. If no candidate got 40 percent, there would be a runoff election between the top two finishers.

Mr. Speaker, this is a proposal that received serious attention by the Congress about 10 years ago. I cosponsored it then, so I want to assure my Republican friends that this is not something I am coming forward with at this time just because the present electoral system seems to be favorable to them. In the good old days when we had a solid Democratic South, the system was favorable to the Democrats, and it is not unlikely that the pendulum will swing again.

But the point is that we should not have an electoral system that is favorable or unfavorable to any specific candidate or party. We should have one that is fair to everyone, and particularly to the voters. We do not have such a system now.

There are many problems to be faced in making so drastic a change in so fundamental a process as the election of a President. But I believe we must face those problems and try to devise a solution if we are to keep our system flexible enough to meet the demands of a changing world. One of our greatest strengths as a nation is the manner in which we provide for the peaceful exchange of power from one administration to another. But we are courting great danger by clinging to a system that could easily lead to the installation of a President who did not receive the most popular votes. There is no need to take such a risk.

I recognize that there may be other solutions to this dilemma than the one I am proposing. I am willing to listen to them and consider them. What I urgently desire is that Congress undertake the task of finding a solution. That is why I am introducing this resolution today.

A TRIBUTE TO JIM CLEVELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, in the rush of reaching adjournment last year, I regret that I failed to take the opportunity to pay tribute to a very close, personal friend who retired from the House of Representatives after 18 years of outstanding service. I refer to Jim Cleveland and would like to take this opportunity at the beginning of the 97th Congress to pay tribute to him.

He served with distinction on the Public Works and Transportation Committee and House Administration Committee. In fact, one of his last legislative chores was to fashion realistic legislative language that would lead to improved service for the handicapped on public transportation without causing an undue financial burden on local units of government.

Jim Cleveland proved himself to be a friend of the handicapped who are dependent on public transportation, as well as a consistent supporter of improved highways and traffic safety in America.

Mr. Speaker, we will all miss Jim Cleveland's wit and also his ability to express himself clearly in House debate. He was always able to come right to the point of any legislative debate and express the important points with clarity.

Jim Cleveland has returned to New Hampshire where he will be involved in private business. I know my colleagues will join with me in wishing him the very best in the years to come and in expressing the hope that he will not be a stranger to Washington. We are indeed thankful for Jim Cleveland's service to his Nation.●

LEGISLATION TO RECHARTER FEDERAL AVIATION ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, I have today introduced a bill to recharter the Federal Aviation Administration. This legislation will make aviation safety the FAA's sole mission.

It has been my concern for many years that the Federal Aviation Administration has problems in setting priorities and executing its primary responsibilities of regulating aviation safety. My concerns are based on a number of considerations, such as the time lag between the identification of an aviation hazard and action by the FAA. For example, in 1977, I spoke out on the floor of this House on the large number of recommendations made by the National Transportation Safety Board to the FAA which the FAA had accepted but never acted on in any final fashion. The numbers of open recommendations were in the hundreds. That situation is not much improved.

In addition, when the FAA does regulate, it writes the regulations to fit the present state of the art. There is no challenge to the aerospace manufacturers to design an improved technology. This is not the way we achieved progress in the automobile industry or in the environment. We passed legislation telling them where we expected them to be at a future time. The state of the art was not at those levels, but the manufacturers developed the state of the art to meet the regulations. This is something we need to do in aviation, but the FAA is blind to the example.

Why is it that the FAA rulemaking is a reaction to accidents rather than anticipatory?

In my quest for answers as to why FAA has these problems in identifying safety hazards and taking action on them, I have run into a stone wall. I have never been able to get satisfactory answers from FAA. I have written Administrators of the FAA. I have queried FAA officials in hearing after hearing.

The problem cannot be money. The FAA has an aviation trust fund created by ticket taxes and overseas departure fees which will reach $4 billion this year. What, then is the problem?

Since I could not get an explanation or a solution for these problems from the FAA, I asked the GAO to investigate and report.

The report, which was released February 29, 1980, after a full year's study of the FAA, substantiated my beliefs that the core of FAA's problem is not knowing what its priorities should be. To quote from the report:

> FAA's missions are defined in various statutes, executive directives, and national transportation policy statements. These missions should be translated into safety goals and objectives and, ultimately, agency safety priorities. However, FAA's attempts to do this have been unsuccessful, leaving the agency with statements of its safety goals, objectives, and priorities which are not current and need to be updated.

The last time the FAA expressed its policy was in April 1965, with updates in 1972 and 1973. These orders are still listed as current FAA directives.

Since these policy statements were issued, FAA has made some attempts to define safety goals, incentives, and priorities. Each effort, however, was short-lived and failed.

Almost every year, according to the GAO report, FAA attempts to list its priorities and goals and every year the attempt either fails, or the goals are so broad as to be useless in setting policy.

In thinking over the problems of the FAA, I have concluded that a large part of the problem is the FAA's dual role in being responsible both for aviation safety and also for promoting the civil aviation industry. I believe that the GAO reports bear this out in the examples I have given which demonstrate the lack of priorities and objectives and the inability to reach a consensus even within the FAA itself as to what those priorities should be.

Therefore, it seems to me that Congress role in all this is to relieve the FAA of a dual responsibility which can cause internal conflicts and which is draining the resources needed to manage the Nation's airspace in the most efficient and safe way humanly possible. In order to be free to devote itself solely to the safety of aviation, FAA needs to be freed from having to promote the industry and to make economic decisions instead of safety decisions.

My bill proposes to put the economic, nonsafety related areas elsewhere in the Department of Transportation, thus allowing the FAA to concentrate its full resources and considerable talent on safety matters.

Section 1 restricts the Federal Aviation Administration to performing only those functions related to aviation safety and transfers the nonsafety functions to the Secretary of Transportation. Within 120 days after the enactment of this bill, the Secretary of Transportation will identify and report to the Congress those aviation functions which are nonsafety and the office within the Department of Transportation to which these functions will be transferred.

Section 2 restricts the Secretary of Transportation from delegating to the Federal Aviation Administration any

functions not pertaining to aviation safety.

Section 3 transfers all personnel, contracts, property, records, and other related assets and liabilities related to the nonsafety aviation functions to the Secretary of Transportation.

Section 4 states that all orders, determinations, rules, regulations, permits, contracts, licenses, and privileges shall continue in effect according to their terms until modified, terminated, superseded, set aside or repealed by the Secretary of Transportation by any court of competent jurisdiction or by operation of law. Proceedings pending that relate to the nonsafety functions of the FAA shall be continued before the Department of Transportation.

Section 5 says that references in the Federal law—related to the nonsafety functions being transferred to the Department of Transportation—to the Administrator of the FAA or to the Federal Aviation Administration shall be deemed to refer to the Secretary of Transportation or to the Department of Transportation respectively.

Section 6 transfers the non-safety-related functions of the Federal Aviation Administration to the Secretary of Transportation 180 days after the date of enactment of this legislation.

H.R. 697

A bill to provide that the Federal Aviation Administration shall only perform functions relating to aviation safety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 301 of the Federal Aviation Act of 1958 (49 U.S.C. 1341) is amended by adding at the end thereof the following new subsection:

"DUTIES OF THE ADMINISTRATOR

"(d) The Administrator shall perform the functions, powers, and duties of the Secretary of Transportation pertaining to aviation safety, including, but not limited to, the functions, powers, and duties transferred to the Administrator by section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); 80 Stat. 937). Notwithstanding any other provision of law, the Administrator shall not perform any functions, powers, and duties other than those pertaining to aviation safety.".

(b)(1) Any functions, powers, and duties performed by the Administrator of the Federal Aviation Administration before the effective date of this Act which do not pertain to aviation safety (as identified by the Secretary of Transportation under paragraph (2) of this subsection) shall be performed on and after such effective date by the Secretary of Transportation.

(2) Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary of Transportation shall identify, and report to the Congress on, the functions, powers, and duties described in paragraph (1) of this subsection and the office within the Department of Transportation which will perform such functions, powers, and duties after the effective date of this Act.

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading

"Sec. 301. Creation of Agency."

is amended by adding at the end thereof the following:

"(d) Duties of the Administrator.".

SEC. 2. Section 9(e) of the Department of Transportation Act is amended by inserting at the end thereof the following new paragraph:

"(4) Notwithstanding any other provision of this subsection, no functions, powers, or duties of the Secretary or any officer or employee of the Department which do not pertain to aviation safety may be delegated to the Federal Aviation Administration, the Administrator of such Administration, or any officer or employee of such Administration.".

SEC. 3. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties described in subsection (b) of the first section of this Act are hereby transferred to the Secretary of Transportation.

SEC. 4. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of the functions, powers, and duties described in subsection (b) of the first section of this Act by the Federal Aviation Administration or any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Transportation, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this Act takes effect before the Federal Aviation Administration; but such proceedings, to the extent that they relate to functions, powers, and duties described in subsection (b) of the first section of this Act shall be continued before the Department of Transportation. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Transportation, by a court of competent jurisdiction, or by operation of law.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act has not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer of the Federal Aviation Administration in his official capacity shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Aviation Administration or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, the Federal Aviation Administration or any officer thereof in his official capacity, is a party to a suit in connection with any function, power, or duty described in subsection (b) of the first section of this Act, then such suit shall be continued with the Secretary substituted.

SEC. 5. With respect to any functions, powers, and duties described in subsection (b) of the first section of this Act, reference in any other Federal law to the Administrator of the Federal Aviation Administration or to the Federal Aviation Administration shall be deemed to refer to the Secretary of Transportation or to the Department of Transportation, respectively.

SEC. 6. This Act (other than subsection (b)(2) of the first section of this Act) and the amendments made by this Act shall take effect one hundred and eighty days after the date of enactment of this Act.●

THE FALLS OF THE OHIO—A NATIONAL WILDLIFE REFUGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. SNYDER) is recognized for 10 minutes.

● Mr. SNYDER. Mr. Speaker, in the heart of Louisville, Ky., lies one of the natural wonders of the world: The Falls of the Ohio River. Yesterday, I introduced legislation which would establish the area known as the Falls of the Ohio as a national wildlife refuge. This bill is identical to H.R. 7940 which I introduced during the 96th Congress.

The Falls of the Ohio is an area located in the Ohio River which includes a unique and world-renowned 300-million-year-old fossilized coral reef which is the only place where the Ohio River flows over bedrock. These wetlands have also become nationally known among ornithologists as one of the most exciting places in the country to see migrating waterbirds, waterfowl and shorebirds as well as an attraction for fishermen, other outdoor enthusiasts, archeologists and amateur collectors of artifacts. Perhaps nowhere else in the world is there an area which offers such geological, ornithological, archeological and paleontological distinctions within such close proximity to a major metropolitan area.

The coral reef of the falls is one of the finest horizontal exposures in the world of Devonian fossil corals. Nearly 900 nominal species of fossil corals have been founded on specimens collected from approximately 150 feet of coral beds in the falls area. Corals from the Falls of the Ohio can be seen in almost every natural history museum in the world.

To those who understand its significance, it is a natural wonder of the world, a jewel, a treasure house of the Earth's history. Yet it has never been protected, and often it has been a victim of unknowing "rock collectors" who may hammer out some valuable specimen without realizing they are interfering with the hands of time.

Actually the falls consisted of a series of rapids, falling some 26 feet in a 2-mile stretch beginning at a point near the McAlpine Dam.

For many years before the dam and locks were built, boats and barges heading downstream shot the falls at highwater with pilots who knew the dangerous course and its pitfalls. They made a specialty of falls operation.

It was in 1817 that Capt. Henry Shreve, with a canny eye on both the law—Robert Fulton and Robert Livingston's steamship patent gave them a monopoly on the steamboat trade—and the falls, built the giant *G. Washington* with a shrewd innovation that altered the course of commercial river operations.

Instead of a tall, oscillating, vertical cylinder which required deep draft, Shreve substituted a pair of fixed horizontal cylinders he could lay flat on deck. That gave him a tongue-in-cheek possible loophole from the language of the Fulton-Livingston patent. But more importantly, it gave him a shallow draft to run on the falls, not in it. Captain Shreve reportedly boasted, "I can run the falls in a heavy dew."

The falls is also a favorite habitat for wildlife. Among the birds spotted in the falls area are several species of sandpipers, and herons, the snowy egret, piping plover, blue-winged teal duck, ringed-bill gull, and the common and black terns.

Several species of heron frequent the area. Stately great blue herons bring their young there to feed, while little green herons nervously prowl the banks. In the evenings, vast numbers of elegant black-crowned night herons wing their way into the area for their nightly sojourn.

The large pools and back-eddies in the lower stretch of this portion of the river harbor large concentrations of waterfowl. Diving ducks like the lesser scaup, canvasbacks and redheads feed on the abundant Crustacae in these backwater retreats. Goldeneye, bufflehead and ringnecked ducks vie with them for food, too.

Huge flotillas of puddle ducks use the area as a resting spot in the fall and winter of the year. Wood ducks, mallards, black ducks, widgeon, blue- and green-winged teal and pintails migrate into this unique ecological niche every year.

John James Audubon saw an osprey, or fishhawk, nesting when he visited George Rogers Clark at his home in Clarksville, Ind. Also reported by Audubon was a swallow-tailed kite, which has not been seen in Kentucky in this century.

In past years, as many as 75 species of birds, including many waterfowl have been at the falls. The migratory birds that pause and nest on the islands at the falls are an unmatched display of birdlife so far inland. Many of the birds that stop there breed in Canada and Alaska, including Arctic regions, and spend their winters on the gulf coast and in Central and South America.

The area still serves as a haven for some of the most diverse bird-life in the Southeast. Shorebirds such as the sandpiper, plover, killdeer and snipe are commonplace. Early in the mornings and late in the evenings you can observe them skittering across the flats in search of food.

However, in recent years, a chief concern has been the dramatic decline in the population of these birds. Within recent years, poachers with guns have killed many of the birds and driven off others. Egrets, for example, were familiar sights at the falls in the 1940's and 1950's but are no longer visitors there. This decline in population levels has also been due largely to changes that were made in dam construction near the falls, which has resulted in excess silt accumulation, and serves to dramatically highlight the urgent need to protect this area.

At the same location was a crossing of the ancient buffalo trace, known to have been used by mastodons and by tens of thousands of buffaloes in giant herds, on their way to the salt licks of Kentucky. The buffalo trace continued on through the Cumberland Gap in the southeastern corner of Kentucky, following in general the pioneer route later famous as the Wilderness Road. Its northwestern extension through Bullitt and Jefferson Counties carried pioneers past many of the salt licks—as important to the settlers as to the animals—and then to the falls.

Because of the unusual bottom structure of the river bed, the area also has an incredibly abundant fish population. Largemouth, smallmouth and Kentucky spotted bass work the sand bars and shoals in search of minnows. White bass, crappie and bluegill swim side by side with them. Walleye have been showing up with increasing frequency, and the area supports one of the largest sauger populations in the country. The annual spring sauger run draws fishing enthusiasts from all over the Midwest.

Rough fish such as gar, buffalo, carp, white perch and paddlefish are so numerous that you can actually see them teeming in the shallows. The catfish clan is well represented, too. Blue, channel, flathead, bullhead and white catfish abound in the waters.

Yet, despite the efforts, for over 20 years, by interested, hard-working local groups, plans to establish the falls as a bi-State park have failed. The legislation which I am introducing today represents an attempt to break the stalemate which currently exists, before any more serious harm to the falls and its resources is allowed to occur.

The proposed refuge area extends from the Pennsylvania Railroad bridge downstream to the Kentucky and Indiana Terminal Railroad bridge at New Albany, following the downsteam line of McAlpine Dam and curling around the Louisville hydroelectric plant. It would include an estimated 1,000 acres of land and water, the largest recreational open space left in the heart of the Louisville metropolitan area.

It is my belief that the Falls of the Ohio National Wildlife Refuge will represent one of the most unique and interesting wildlife refuges in our country and that it will not only continue to attract the fishermen, nature lovers and scientists who now visit there, but it will insure that future generations also have an opportunity to appreciate and learn about nature.●

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 Member (at the request of Mr. SENSENBRENNER) to revise and extend his remarks and include extraneous material:)

Mr. TRIBLE, for 5 minutes, today.

Mr. CORCORAN, for 5 minutes, today.

Mr. SNYDER, for 10 minutes, today.

(The following Members (at the request of Mr. PATMAN) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SENSENBRENNER) and to include extraneous matter:)

Mr. HANSEN of Idaho in five instances.

Mr. LAGOMARSINO.

Mr. DERWINSKI in two instances.

Mr. BROWN of Ohio in two instances.

Mr. MICHEL.

Mr. PARRIS.

(The following Members (at the request of Mr. PATMAN) and to include extraneous matter:)

Mr. FROST.

Mr. HOLLAND in five instances.

Mr. STARK.

Mr. HUBBARD.

Mr. GEPHARDT.

Mr. STUDDS.

ADJOURNMENT

Mr. PATMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Friday, January 9, 1981, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, and delegations traveling under an authorization from the Speaker, concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1980 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter W. Rodino, Jr., M.C.	7/7	7/10	Italy		372.00		2,597.00				2,969.00
Garner J. Cline, staff	7/7	7/10	Italy		372.00		2,711.00				3,083.00
John Conyers, Jr., M.C.	8/25	8/31	Venezuela		840.00		1,044.00				1,884.00
Steven Raikin, staff	8/25	9/6	Venezuela		1,560.00		505.00				2,065.00
Timothy A. Boggs, staff	8/25	9/6	Venezuela		1,680.00		1,007.00				2,687.00
Hayden Gregory, staff	8/26	9/5	Venezuela		1,200.00		505.00				1,705.00
Robert F. Drinan, M.C.	8/30	9/2	Venezuela		404.21		829.00				1,233.21
Committee total [3]					6,428.21		9,198.00				15,626.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Enter committee totals on the last page of the report only.

PETER W. RODINO, JR.,
Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John P. O'Hara	10/20	10/25	Germany	DM 977.40	540.00					DM 977.40	540.00
Committee total [3]					540.00						540.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Enter committee totals on the last page of the report only.

HAROLD T. JOHNSON,
Chairman.

January 2, 1981.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1980

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Frenzel	11/10	11/12	Belgium	7,104.00	228.00		36.27				264.27
	11/12	11/17	Denmark	2,887.50	525.00						525.00
	11/17	11/17	France								
Transportation by Department of Defense							2,650.85				2,650.85
Thelma J. Askey	10/19	10/22	Switzerland	496.05	300.00						300.00
	10/22	10/25	Belgium	10,288.00	351.00						351.00
Refund					(117.00)						(117.00)
							982.00				982.00
Richard Self	10/19	10/25	Switzerland	1,157.45	700.00		982.00				1,682.00
Mary Lane Wignot	11/2	11/11	Switzerland	1,024.80	600.00		982.00				1,582.00
Committee totals [3]					2,587.00		5,633.12				8,220.12

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Enter committee totals on the last page of the report only.

AL ULLMAN,
Chairman.

December 31, 1980.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

79. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Federal Crop Insurance Corporation for Administrative and Operating Expenses for fiscal year 1981 has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

80. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the guard services activity at Fort Knox, Ky., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

81. A letter from the Assistant Attorney General (Antitrust Division), transmitting a report covering calendar year 1980 on enforcement of the Truth in Lending Act, pursuant to section 114 of the Consumer Credit Protection Act of 1968, as amended; to the Committee on Banking, Finance and Urban Affairs.

82. A letter from the Commissioner on Aging, Department of Health and Human Services, transmitting three reports on transportation services for older persons, pursuant to section 411 of the Older Americans Act of 1965, as amended (92 Stat. 1539); to the Committee on Education and Labor.

83. A letter from the Acting Deputy Secretary of Energy, transmitting the annual report for calendar year 1979 on the Department's industrial energy efficiency program, pursuant to section 876 of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

84. A letter from the Acting Deputy Secretary of Energy, transmitting a report on the results of preliminary energy audits of Federal buildings with 1,000 or more square feet, pursuant to section 547(b) of Public Law 95-619; to the Committee on Energy and Commerce.

85. A letter from the Assistant Secretary of Energy for Conservation and Solar Energy, transmitting notice of a delay until spring, 1981, of the prescription of final energy efficiency standards for eight consumer products, required by January 2, 1981, by the Energy Policy and Conservation Act, as amended; to the Committee on Energy and Commerce.

86. A letter from the Acting Chairman, Federal Energy Regulatory Commission, transmitting proposed regulations to exempt mechanical cogeneration facilities from the incremental pricing program required by section 201 of the Natural Gas Policy Act of 1978, pursuant to section 206(d) of the act; to the Committee on Energy and Commerce.

87. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on U.S. efforts to encourage third country aid and investment in Egypt and Israel and the impact of Arab sanctions on the economy of Egypt, pursuant to section 7(b) of Public Law 96-35; to the Committee on Foreign Affairs.

88. 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.

89. 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.

90. A letter from the Secretary of the Interior, transmitting a report covering fiscal year 1980 on the disposal of surplus Federal real property for park, recreation, and historic monument purposes, pursuant to section 203(o) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

91. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting the annual report for fiscal year 1980 on the agency's disposal for foreign excess property, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

92. A letter from the Acting Secretary of Agriculture, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

93. A letter from the Assistant Secretary for Health and Surgeon General, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

94. A letter from the Administrator, Health Care Financing Administration, Department of Health and Human Services, transmitting notice of proposed changes in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

95. A letter from the Director, Office of Administration, U.S. Nuclear Regulatory Commission, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

96. A letter from the Administrator of General Services, transmitting copies of certificates of ascertainment of electors appointed to the Electoral College received from various States, pursuant to 3 U.S.C. 6; to the Committee on House Administration.

97. A letter from the Administrator of General Services, transmitting additional copies of certificates of ascertainment of electors appointed to the Electoral College received from various States, pursuant to 3 U.S.C. 6; to the Committee on House Administration.

98. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $72,920.39 in excess rental and minimum royalty payments to C & K Petroleum Inc., Getty Oil Co., Shell Oil Co., Diamond Shamrock Corp., and Texasgulf Inc., pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

99. A letter from the Secretary of the Interior, transmitting notice of the proposed refund of $115,690.88 and $17,780.41 to Amoco Production Co., and Superior Oil Co., respectively, for excess gas royalties, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

100. A letter from the Chairman and Members, U.S. Commission on Civil Rights, transmitting recommendations of the Commission, pursuant to section 104(c) of Public Law 85-315, as amended; to the Committee on the Judiciary.

101. A letter from the Clerk, U.S. Court of Claims, transmitting a report on all judgments rendered by the court during fiscal year 1980, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

102. A letter from the Adjutant General, Military Order of the Purple Heart, transmitting the audit report of the organization as of June 30, 1980, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

103. A letter from the General Counsel of the Navy, transmitting a report in response to a complaint filed with the Special Counsel of the Merit Systems Protection Board, pursuant to 5 U.S.C. 1206(b)(5); to the Committee on Post Office and Civil Service.

104. A letter from the Librarian of Congress, transmitting a report on scientific and professional positions in existence in the Library of Congress during calendar year 1980, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

105. A letter from the Administrator of General Services, transmitting a report on response to a complaint filed with the Special Counsel of the Merit Systems Protection Board, pursuant to 5 U.S.C. 1206(b)(5); to the Committee on Post Office and Civil Service.

106. A letter from the Administrator of Veterans' Affairs, transmitting a report covering fiscal year 1980 on the nature and disposition of all cases in which an institution, approved for veterans benefits, utilizes advertising, sales or enrollment practices which are erroneous, deceptive, or misleading, pursuant to 38 U.S.C. 1796(d); to the Committee on Veterans' Affairs.

107. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the statement of liabilities and other financial commitments of the U.S. Government as of September 30, 1980, pursuant to section 402 of Public Law 89-809; to the Committee on Ways and Means.

108. A letter from the Secretary of Education, transmitting proposed final regulations to govern international education programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; jointly, to the Committees on Education and Labor, and Foreign Affairs.

109. A letter from the Under Secretary of Agriculture for International Affairs and Commodity Programs, transmitting a commodity and country allocation table showing the planned programing of food assistance under titles I and III of the Agricultural Trade Development and Assistance Act, covering the second quarter of fiscal year 1981, pursuant to section 408(b) of the act; jointly, to the Committees on Foreign Affairs and Agriculture.

110. A letter from the Comptroller General of the United States, transmitting a report on Federal examinations of privately owned financial institutions (GGD-81-12, January 6, 1981); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

111. A letter from the Comptroller General of the United States, transmitting a report on the implications for Federal policy of New York State's public assistance cost-sharing policies (PAD-81-11, December 16, 1980); jointly, to the Committees on Government Operations, Energy and Commerce, and Ways and Means.

112. A letter from the Comptroller General of the United States, transmitting a report on problems in assessing the cancer risks of low-level ionizing radiation exposure (EMD-81-1, January 2, 1981); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

113. A letter from the Comptroller General of the United States, transmitting a report on Federal monitoring of Trans-Alaska oil pipeline operations (EMD-81-11, January 6, 1981); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Energy and Commerce.

114. A letter from the Secretary of Health and Human Services, transmitting the annual report for calendar year 1980 on the activities of the Maternal and Child Health Services Research Grants Review Committee, pursuant to section 1114(f) of the Social Security Act; jointly, to the Committees on Ways and Means, and Energy and Commerce.

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:

[*Submitted January 2, 1981*]

Mr. RODINO: Committee on the Judiciary. Report on the activities of the Committee on the Judiciary during the 96th Congress (Rept. No. 96-1567). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[*Omitted from the Record of January 5, 1981*]

By Mr. ALBOSTA:

H.R. 268. A bill to provide that each State must establish a jobfare program, and require participation therein by residents of the State who are receiving benefits or assistance under the AFDC, food stamp, and public housing programs, as a condition of the State's eligibility for Federal assistance in connection with those programs; jointly, to the Committees on Agriculture, Banking, Finance and Urban Affairs, Education and Labor and Ways and Means.

By Mr. FINDLEY (for himself, Mr. CHAPPELL, Mr. COELHO, Mr. COLLINS of Texas, Mr. DANIEL B. CRANE, Mr. DERWINSKI, Mr. ERLENBORN, Mr. HANSEN of Idaho, Mrs. HOLT, Mr. MARTIN of North Carolina, Ms. MARTIN of Illinois, Mr. MOLLOHAN, Mr. PETRI, Mr. SPENCE, Mr. WHITEHURST, Mr. WINN, Mr. WON PAT, Mr. O'BRIEN, Mr. BUTLER, and Mr. BROYHILL):

H.R. 269. A bill to provide that each State must establish a workfare program, and require participation therein by all residents of the State who are receiving benefits or assistance under the aid to families with dependent children, food stamp, and public housing programs, as a condition of the State's eligibility for Federal assistance in connection with those programs; jointly, to the Committees on Education and Labor, Ways and Means, Agriculture, and Banking, Finance and Urban Affairs.

By Mr. HANSEN of Idaho:

H.R. 270. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

H.R. 271. A bill to provide for at-large appointment of the Federal Reserve Chairman; to the Committee on Banking, Finance and Urban Affairs.

H.R. 272. A bill to amend the Federal Reserve Act to provide that the Chairman and Vice Chairman of the Board shall continue to serve until their successors are designated and have qualified; to the Committee on Banking, Finance and Urban Affairs.

H.R. 273. A bill to amend the Federal Reserve Act to require that detailed minutes of Federal Open Market Committee meetings be released to the general public 5 years after the date of the meeting to which they relate; to the Committee on Banking, Finance and Urban Affairs.

H.R. 274. A bill to provide for steady, noninflationary growth in the money supply; to the Committee on Banking, Finance and Urban Affairs.

H.R. 275. A bill to repeal the authority of the Secretary of the Treasury to seize privately owned gold; to the Committee on Banking, Finance and Urban Affairs.

H.R. 276. A bill to amend the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

H.R. 277. A bill to amend the Occupational Safety and Health Act of 1970 to prohibit restrictions on work rules in locations in which there is hunting, fishing, or shooting sports, and for other purposes; to the Committee on Education and Labor.

H.R. 278. A bill to amend the Occupational Safety and Health Act of 1970 to exempt small businesses having no more than 10 full-time employees or the equivalent thereof, and does not have an occupational injury incidence rate exceeding 7 per 100 full-time employees based upon the annual Bureau of Labor Statistics survey of 3- and 4-digit Standard Industrial Classification Code industries; to the Committee on Education and Labor.

H.R. 279. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Secretary of Labor may conduct inspections at the workplace of an employer only after the issuance of a search warrant; to the Committee on Education and Labor.

H.R. 280. A bill to exempt nonhazardous businesses from the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

H.R. 281. A bill to amend section 16(a) of the National School Lunch Act to permit the State of Idaho to receive cash payments in lieu of donated foods for purposes of programs under such act and under the Child Nutrition Act of 1966; to the Committee on Education and Labor.

H.R. 282. A bill to repeal the Occupational Safety and Health Act; to the Committee on Education and Labor.

H.R. 283. A bill to amend the Contract Work Hours Standards Act to require overtime compensation only for hours of employment in excess of 40 hours in a workweek; to the Committee on Education and Labor.

H.R. 284. A bill to amend the Occupational Safety and Health Act of 1970 to concentrate enforcement activities on hazardous workplaces, to exempt family farms from the act, to encourage self-initiative in improving occupational safety and health, to provide the procedures by which the Secretary of Labor may procure a search warrant for the purpose of conducting inspections at the workplace of an employer pursuant to the act, and for other purposes; to the Committee on Education and Labor.

H.R. 285. A bill to amend the Clean Air Act to repeal the requirement that State implementation plans provide for periodic inspection and testing of motor vehicles; to the Committee on Energy and Commerce.

H.R. 286. A bill to amend the Clean Air Act to make certain modifications in provisions relating to automobile emission control devices and fuel additives, and for other purposes; to the Committee on Energy and Commerce.

H.R. 287. A bill entitled the "State Legislative and Administrative Procedure Protection Act of 1981"; to the Committee on Energy and Commerce.

H.R. 288. A bill to establish a commission which shall be called the Iran Claims Settlement Commission and to enable the President of the United States to release the assets frozen by Presidential order on November 14, 1979; to the Committee on Foreign Affairs.

H.R. 289. A bill to require the Environmental Protection Agency and all other Federal regulatory agencies to evaulate, prior to the issuance of a regulation, the potential economic effect and environmental impact of such regulations; to the Committee on Government Operations.

H.R. 290. A bill to establish a commission and task force to review all Federal Government programs, determine what economies and efficiencies can be achieved through program consolidation, review the functions carried out by each level of government, and make recommendations for more clearly defining the respective responsibilities of such levels, and for other purposes; to the Committee on Government Operations.

H.R. 291. A bill to amend the Public Rangelands Improvement Act of 1978, to prevent the loss of economic grazing units, to prevent increased unemployment and food inflation, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 292. A bill to amend and supplement the acreage limitation and residency provi-

sions of the Federal reclamation laws, as amended and supplemented, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 293. A bill to establish a ceiling on statutory wilderness designated lands located within the National Forest System in the State of Idaho; to the Committee on Interior and Insular Affairs.

H.R. 294. A bill to amend certain provisions of title 28, United States Code, relating to venue in the district courts and courts of appeals; to the Committee on the Judiciary.

H.R. 295. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 296. A bill to provide that in civil actions where the United States is a plaintiff, a prevailing defendant may recover a reasonable attorney's fee and other reasonable litigation costs; to the Committee on the Judiciary.

H.R. 297. A bill providing that any State legislature which rescinds its ratification of a proposed amendment to the Constitution shall not be considered to have ratified the amendment; to the Committee on the Judiciary.

H.R. 298. A bill to remove statutory limitations upon the application of the Sherman Act to labor organizations and their activities, and for other purposes; to the Committee on the Judiciary.

H.R. 299. A bill to restore and promote competition in the marketing of motor fuel by prohibiting the control, operation, or acquisition of marketing outlets by petroleum refiners, producers, and distributors, and for other purposes; to the Committee on the Judiciary.

H.R. 300. A bill to require that Federal agencies publish certain statements during the rulemaking process, and for other purposes; to the Committee on the Judiciary.

H.R. 301. A bill to amend title 38, United States Code, to allow beneficiaries of U.S. Government life insurance policies to elect to receive such insurance in a lump sum, rather than in monthly installments, when the insured has not specified the method of payment of such insurance; to the Committee on Veterans' Affairs.

H.R. 302. A bill to amend the Federal Aviation Act of 1958 to prohibit the Secretary of Transportation and the Administrator of the Federal Aviation Administration from issuing any rule, regulation, or order relating to certain aspects of the control of navigable airspace; to the Committee on Public Works and Transportation.

H.R. 303. A bill to amend title 38 of the United States Code to deny veterans' benefits to certain individuals whose discharges from active military service under less than honorable conditions are administratively upgraded under the revised standards as implemented by the Department of Defense's special discharge review program; to the Committee on Veterans' Affairs.

H.R. 304. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes; to the Committee on Ways and Means.

H.R. 305. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax for certain amounts of savings; to the Committee on Ways and Means.

H.R. 306. A bill to amend the Internal Revenue Code of 1954 to exempt dividends from Federal taxation, to allocate corporate income tax revenues for payments to qualified registered voters, and for other purposes; to the Committee on Ways and Means.

H.R. 307. A bill to exempt limited amounts of oil production by independent producers from the windfall profit tax and for other purposes; to the Committee on Ways and Means.

H.R. 308. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 309. A bill to amend title II of the Social Security Act to increase to $24,000 in 1981—with automatic adjustments thereafter—the amount of outside earnings which a beneficiary age 65 or over may have in any taxable year without suffering reductions in the amount of his benefits; to the Committee on Ways and Means.

H.R. 310. A bill to prohibit the importation into the United States of certain agricultural products of Cuba, to include citrus, winter vegetables, and tropical fruits until after 1989; to the Committee on Ways and Means.

H.R. 311. A bill to strengthen the American family and promote the virtues of family life through education, tax assistance, and related measures; jointly, to the Committees on Agriculture, Armed Services, Education and Labor, the Judiciary, and Ways and Means.

H.R. 312. A bill to reduce interest and inflation, and for other purposes; jointly, to the Committees on Banking and Finance, Government Operations, Rules, and Ways and Means.

H.R. 313. A bill to prescribe the conditions with respect to affirmative action programs required of Federal grantees and contractors in complying with nondiscrimination programs, to prescribe the necessary requirements for a finding of discrimination in certain actions brought on the basis of discrimination in employment, and to prescribe reasonable limits on the collection of data relating to race, color, religion, sex, or national origin, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

H.R. 314. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public participation in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

H.R. 315. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HIGHTOWER (for himself, Mr. STENHOLM, Mr. ANTHONY, Mr. ARCHER, Mr. BEARD, Mr. BOWEN, Mr. BRINKLEY, Mr. BROOKS, Mr. BURGENER, Mr. COLLINS of Texas, Mr. PHILIP M. CRANE, Mr. ROBERT W. DANIEL, JR., Mr. EDWARDS of Oklahoma, Mr. DE LA GARZA, Mr. DERWINSKI, Mr. DORNAN of California, Mr. DUNCAN, Mr. ENGLISH, Mr. ERDAHL, of Minnesota, Mr. FISH, Mr. FORSYTHE, Mr. FROST, Mr. GARCIA, Mr. GOLDWATER, Mr. GRAMM, Mr. GRISHAM, Mr. GUYER, Mr. SAM B. HALL, JR., Mr. HANCE, Mrs. HOLT, Mr. HOPKINS, Mr. HUGHES, Mr. HYDE, Mr. JACOBS, Mr. JEFFRIES, Mr. JONES of North Carolina, Mr. KAZEN, Mr. KEMP, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LATTA, Mr. LEATH of Texas, Mr. LOEFFLER, Mr. LOTT, Mr. LUJAN, Mr. MARRIOTT, Mr. MONTGOMERY, Mr. MOOREHEAD, Mr. NELSON, Mr. PAUL, Mr. PICKLE, Mr. RAILSBACK, Mrs. SCHROEDER, Mr. SENSENBRENNER, Mr. SHELBY, Mr. SHUMWAY, Mr. STANGELAND, Mr. SYNAR, Mr. WAMPLER, Mr. WHITE, Mr. WHITEHURST, Mr. WILSON, Mr. WINN, Mr. WRIGHT, and Mr. ALEXANDER):

H.R. 316. A bill to provide that a Federal agency may not require that any person maintain records for a period in excess of 4 years, and a Federal agency may not commence an action for enforcement of a law or regulation or for collection of a civil fine after 4 years from the date of the act which is the subject of the enforcement action or fine, and for other purposes; to the Committee on Government Operations.

By Mr. HIGHTOWER (for himself, Mr. ANTHONY, Mr. ARCHER, Mr. BAFALIS, Mr. BENJAMIN, Mr. BEVILL, Mr. BONER of Tennessee, Mrs. BOUQUARD, Mr. BOWEN, Mr. BROOKS, Mr. BURGENER, Mr. DANIEL B. CRANE, Mr. COLLINS of Texas, Mr. CORCORAN, Mr. CORRADA, Mr. ROBERT W. DANIEL, JR., Mr. DAN DANIEL, Mr. DORNAN of California, Mr. DOUGHERTY, Mr. DUNCAN, Mr. FUQUA, Mr. GIBBONS, Mr. GINN, Mr. GOLDWATER, Mr. GRAMM, Mr. GUYER, Mr. HANCE, Mr. HANSEN of Idaho, Mr. HEFTEL, Mr. HINSON, Mrs. HOLT, Mr. HUBBARD, Mr. HYDE, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEATH of Texas, Mr. LEVITAS, Mr. LIVINGSTON, Mr. LUJAN, Mr. MCCLORY, Mr. MCDADE, Mr. MATTOX, Mr. MITCHELL of New York, Mr. MONTGOMERY, Mr. MURPHY, Mr. MYERS, Mr. NICHOLS, Mr. PEPPER, Mr. QUILLEN, Mr. REGULA, Mr. ROBINSON, Mr. ROE, Mr. SMITH of Iowa, Mr. STENHOLM, Mr. STUMP, Mr. TRAXLER, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WON PAT, Mr. YATRON, Mr. YOUNG of Florida, and Mr. YOUNG of Missouri):

H.R. 317. A bill to amend the Immigration and Nationality Act to provide for the deportation of nonimmigrant alien students who knowingly participated in a violent political demonstration or otherwise participated in activities inconsistent with the terms of their admittance to the United States; to the Committee on the Judiciary.

By Mr. HIGHTOWER (for himself, Mr. LEATH of Texas, Mr. ANTHONY, Mr. ARCHER, Mr. BUTLER, Mr. CAMPBELL, Mr. COELHO, Mr. CORCORAN, Mr. DANIEL B. CRANE, Mr. ROBERT W. DANIEL, JR., Mr. DORNAN of California, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. FORSYTHE, Mr. GONZALEZ, Mr. GRAMM, Mr. GUYER, Mr. HANCE, Mr. HINSON, Mr. JONES of Oklahoma, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LUJAN, Mr. MONTGOMERY, Mr. PEPPER, Mr. STENHOLM, Mr. SYNAR, Mr. TAUZIN, Mr. WEISS, Mr.

WILLIAMS of Montana, Mr. WILSON, Mr. WINN, Mr. YATRON, and Mr. YOUNG of Missouri):

H.R. 318. A bill to amend the Internal Revenue Code of 1954 to exempt from the windfall profit tax oil produced from interests held by or for residential child care agencies; to the Committee on Ways and Means.

By Mrs. HOLT:

H.R. 319. A bill to amend title 10, United States Code, to reduce cost sharing required of participants in the civilian health program of the uniformed services (CHAMPUS) for inpatient medical care provided on an emergency basis; to the Committee on Armed Services.

H.R. 320. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Services.

H.R. 321. A bill to repeal the Davis-Bacon Act, and for other purposes; to the Committee on Education and Labor.

H.R. 322. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to provide emphasis within the National Institute on Alcohol Abuse and Alcoholism for families of alcohol abusers and alcoholics; to the Committee on Energy and Commerce.

H.R. 323. A bill to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women; to the Committee on Energy and Commerce.

H.R. 324. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Government Operations.

H.R. 325. A bill to provide for the inclusion of certain Federal entities in the budget totals, effective with the 1985 budget; to the Committee on Government Operations.

H.R. 326. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

H.R. 327. A bill to amend title IV of the Civil Rights Act of 1964 to prohibit federally ordered assignment of teachers or students on racial and other similar grounds; to the Committee on the Judiciary.

H.R. 328. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 329. A bill to repeal section 3108 of title 5, United States Code, which prohibits the employment by the United States and the District of Columbia of individuals employed by detective agencies; to the Committee on Post Office and Civil Service.

H.R. 330. A bill to provide for reconstruction and rehabilitation of any bridge on the Interstate System which is both owned by the U.S. Government and located in two States and the District of Columbia; to the Committee on Public Works and Transportation.

H.R. 331. A bill to amend the Congressional Budget Act of 1974 to establish in the Congress a zero-base budgeting process, with full congressional review of each Federal program at least once every 6 years; to the Committee on Rules.

H.R. 332. A bill to amend the Internal Revenue Code of 1954 to prohibit the Internal Revenue Service from terminating for reasons of racial discrimination the tax exempt status of any organization established for the purposes of educational instruction without proper adjudication by a court of the United States or of any State; to the Committee on Ways and Means.

H.R. 333. A bill to provide that individuals who retired on disability before October 1, 1976, shall be entitled to the exclusion for disability payments under section 105(d) of the Internal Revenue Code of 1954 without regard to the income limitation in such section, and for other purposes; to the Committee on Ways and Means.

H.R. 334. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on deposits in banks and certain other savings institutions; to the Committee on Ways and Means.

H.R. 335. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

H.R. 336. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to individuals who rent their principal residences for a portion of the real property taxes paid or accrued by their landlords; to the Committee on Ways and Means.

H.R. 337. A bill to eliminate the reduction in social security benefits for spouses and surviving spouses receiving certain Government pensions, as recently added to title II of the Social Security Act by section 334 of the Social Security Amendments of 1977; to the Committee on Ways and Means.

H.R. 338. A bill to amend the Internal Revenue Code of 1954 to allow an exemption for certain professional liability insurance organizations; to the Committee on Ways and Means.

H.R. 339. A bill to provide that the statue of Maj. Gen. George Gordon Meade be transferred to Fort George G. Meade, Md.; jointly, to the Committees on House Administration and Armed Services.

H.R. 340. A bill to assure the continued dedication of the United States to quality education and the neighborhood school concept; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. HORTON:

H.R. 341. A bill to create a National Commission on Compulsive Gambling; to the Committee on Energy and Commerce.

H.R. 342. A bill to amend title 39 of the United States Code for the purpose of establishing a new procedure for fixing rates and classes of mail, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 343. A bill to modify the navigation project at Irondequoit Bay, N.Y.; to the Committee on Public Works and Transportation.

H.R. 344. A bill to amend title 38, United States Code, so as to provide a special pension program for veterans of World War I; to the Committee on Veterans' Affairs.

H.R. 345. A bill to amend the Internal Revenue Code of 1954 to allow the charitable deductions to taxpayers whether or not they itemize their personal deductions; to the Committee on Ways and Means.

H.R. 346. A bill to amend the Internal Revenue Code of 1954 to allow the residential energy credit for certain wood or peat burning stoves; to the Committee on Ways and Means.

H.R. 347. A bill to amend title II of the Social Security Act to increase to $750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

H.R. 348. A bill to provide for the termination of the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957, to prohibit the taking of seals in the Pribilof Islands, and for other purposes; jointly, to the Committees on Foreign Affairs, Interior and Insular Affairs, and Merchant Marine and Fisheries.

H.R. 349. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. HYDE:

H.R. 350. A bill to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency; to the Committee on Government Operations.

H.R. 351. A bill to provide a penalty for the robbery or attempted robbery of any controlled substance from any pharmacy; to the Committee on the Judiciary.

H.R. 352. A bill to amend title 18 of the United States Code to revise and improve the laws controlling false identification crimes; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. LUNGREN):

H.R. 353. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 354. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

H.R. 355. A bill to amend the Federal Aviation Act of 1958 to authorize reduced-rate air transportation to the United States for certain persons who have been or will be adopted by a resident of the United States; to the Committee on Public Works and Transportation.

H.R. 356. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment for purposes of sections 219 and 220 of such code of certain individuals who separate from service with an employer during the taxable year; to the Committee on Ways and Means.

H.R. 357. A bill to amend title II of the Social Security Act to require actual dependency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on his or her wage record—and thereby reducing the benefits of his or her natural children—if they are being supported by their natural parent; to the Committee on Ways and Means.

H.R. 358. A bill to amend title II of the Social Security Act to provide that surviving

divorced wives, as well as widows, may marry after attaining age 60 without affecting their entitlement to widow's insurance benefits; to the Committee on Ways and Means.

H.R. 359. A bill to amend the Internal Revenue Code of 1954 to provide for the nonrecognition of gain from the sale of stock in a domestic corporation engaged in a trade or business related to energy if within 90 days after the sale the proceeds are invested in stock of another such corporation; to the Committee on Ways and Means.

H.R. 360. A bill to amend the Internal Revenue Code of 1954 to deny the business deduction for any amount paid or incurred for regularly scheduled air transportation to the extent such amount exceeds the normal tourist class fare for such transportation; to the Committee on Ways and Means.

H.R. 361. A bill to amend Public Law 94-484, the Health Professions Educational Assistance Act of 1976, as amended, relating to the immigration of foreign medical graduates; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 362. A bill to amend title XVIII of the Social Security Act for the purpose of mandating guidelines with respect to the return of unused home dialysis supplies; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. KASTENMEIER:

H.R. 363. A bill to amend the Internal Revenue Code of 1954 to provide that cigarette advertising is not a deductible business expense; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. BRODHEAD, Mr. BONIOR of Michigan, and Mr. TRAXLER):

H.R. 364. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of a certain portion of amounts received as annuities, pensions, or other retirement benefits by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. LEDERER:

H.R. 365. A bill to extend for one year the provisions of law relating to the business expenses of State legislators; to the Committee on Ways and Means.

H.R. 366. A bill to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition for elementary and secondary education; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 367. A bill to authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings to efficient, alternate uses, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 368. A bill to direct the Secretary of the Treasury to compensate States and units of local government for the loss of real property tax revenues due to the tax-exempt status of certain real estate property owned or occupied by foreign countries and international organizations; to the Committee on Government Operations.

H.R. 369. A bill to amend the Internal Revenue Code of 1954 to allow certain low- and middle-income individuals a refundable tax credit for a certain portion of the property taxes paid by them on their principal residences or of the rent they pay for their principal residences; to the Committee on Ways and Means.

H.R. 370. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

H.R. 371. A bill to amend title II of the Social Security Act to improve the treatment of women through the establishment and payment of working spouse's benefits; to the Committee on Ways and Means.

H.R. 372. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 373. A bill to establish a task force to study and evaluate the taxation of real property by State and local governments, the effects of such taxation on certain taxpayers, and the feasibility of Federal taxation and other policies designed to reduce the dependence of State and local governments on such taxation; jointly to the Committees on Ways and Means and Government Operations.

By Mr. LONG of Maryland:

H.R. 374. A bill to discourage the use of leg-hold or steel jaw traps on animals in the United States; to the Committee on Energy and Commerce.

H.R. 375. A bill to amend the Communications Act of 1934 to provide that telephone receivers may not be sold in interstate commerce unless they are manufactured in a manner which permits their use by persons with hearing impairments; to the Committee on Energy and Commerce.

H.R. 376. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 377. A bill to amend title II of the Social Security Act to reaffirm the fact that benefits payable thereunder are exempt from all taxation; to the Committee on Ways and Means.

H.R. 378. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. LUKEN:

H.R. 379. A bill to require adjustments in census population figures for aliens in the United States illegally so as to prevent distortions in the reapportionment of the House of Representatives, the legislative apportionment and districting of the States, and the allocation of funds under Federal assistance programs; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. LUKEN (for himself, Mr. GOLDWATER, Mr. MOTTL, Mr. ROBERT W. DANIEL, JR., Mr. SCHEUER, Mr. MAZZOLI, Mr. DOUGHERTY, Mr. FORSYTHE, Mr. LIVINGSTON, Mr. VOLKMER, Mr. EDWARDS of Oklahoma, Mr. SNYDER, AND Mr. CHAPPELL):

H.R. 380. A bill to amend the Internal Revene Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Ways and Means.

By Mr. McKINNEY:

H.R. 381. A bill to protect the rights of individuals guaranteed by the Constitution of the United States and to prevent unwarranted invasion of their privacy by prohibiting the use of polygraph equipment for certain purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. MINISH:

H.R. 382. A bill to provide for the regular review of certain Federal agencies and for the abolition of such agencies after such review unless Congress specifically provides for their continued existence; to the Committee on Government Operations.

By Mr. MOORHEAD:

H.R. 383. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public involvement in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. NATCHER:

H.R. 384. A bill to extend veteran benefits to persons serving in the Armed Forces between November 12, 1918, and July 2, 1921; to the Committee on Veterans' Affairs.

By Mr. NEAL:

H.R. 385. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that rescue squad members are entitled to death benefits made available under such act; to the Committee on the Judiciary.

H.R. 386. A bill to amend the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to provide that adjustments in the pay for Members of Congress may not take effect unless specifically approved by each House of Congress; to the Committee on Post Office and Civil Service.

H.R. 387. A bill to protect the confidentiality of the identities of certain employees of the Central Intelligence Agency; to the Permanent Select Committee on Intelligence.

H.R. 388. A bill to provide that any increase in the rate of pay for Members of Congress proposed during any Congress shall not take effect earlier than the beginning of the next Congress; to the Committee on Post Office and Civil Service.

H.R. 389. A bill to amend the Internal Revenue Code of 1954 to allow individuals a credit against income tax for qualified fire detector expenses; to the Committee on Ways and Means.

By Mr. NOWAK:

H.R. 390. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for businesses located in distressed areas; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 391. A bill to repeal the privilege of banks to create money; to the Committee on Banking, Finance and Urban Affairs.

H.R. 392. A bill proposing an amendment to the Constitution of the United States guaranteeing the right to life; to the Committee on the Judiciary.

H.R. 393. A bill to amend section 404 of the Federal Water Pollution Control Act to restrict the jurisdiction of the United States over discharge of dredged or fill material to discharges into waters which are navigable and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PERKINS:

H.R. 394. A bill to assist the States and local educational agencies in providing educational programs of high quality in elementary and secondary schools; to the Committee on Education and Labor.

H.R. 395. A bill to amend the Clean Air Act; to the Committee on Energy and Commerce.

H.R. 396. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide that performance standards for the reclamation of surface coal mining operations shall not require restoration of lands to the approximate original contour where the surface owner specifies a different reclamation standard; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS (for himself and Mr. GOODLING):

H.R. 397. A bill to dismiss certain cases pending before the Education Appeal Board; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 398. A bill to amend the Fair Labor Standards Act of 1938 to raise the dollar volume test for 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.

H.R. 399. A bill to amend the mineral leasing laws of the United States to provide for uniform treatment of certain receipts under such laws, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 400. A bill to remove Members of Congress from the purview of section 225 of the Federal Salary Act of 1967, relating to the Commission on Executive, Legislative, and Judicial Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 401. A bill to provide mandatory social security coverage for Members of Congress and the Vice President; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 402. A bill to amend the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief, and for other purposes; to the Committee on Armed Services.

H.R. 403. A bill to amend Public Law 874, relating to Federal impact aid, to provide for the use of current assessed values of Federal property in determining eligibility for assistance under such act; to the Committee on Education and Labor.

H.R. 404. A bill to amend the Railroad Retirement Act of 1974 to change benefit eligibility requirements so that individuals who have completed 30 years of service as an employee and have attained the age of 55 years are eligible and so that certain other individuals who have attained the age of 55 years and are related to employees are also eligible; to the Committee on Energy and Commerce.

H.R. 405. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 406. A bill to amend the Public Health Act to authorize the Secretary of Health and Human Services to provide assistance for the treatment of epilepsy; to the Committee on Energy and Commerce.

H.R. 407. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Government Operations.

H.R. 408. A bill to remove from the Supreme Court of the United States and the district courts of the United States jurisdiction over any case relating to voluntary prayer in any public school or public building; to the Committee on the Judiciary.

H.R. 409. A bill to provide reduced rates for nonprofit senior citizens organizations; to the Committee on Post Office and Civil Service.

H.R. 410. A bill to amend title 39 of the United States Code to provide for door delivery of mail to the physically handicapped, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 411. A bill to amend title 38, United States Code, to provide that monthly annuity payments under the Railroad Retirement Act of 1974 shall not be included as income for the purpose of determining eligibility for or the amount of certain veterans' pension and dependency and indemnity compensation benefits; to the Committee on Veterans' Affairs.

H.R. 412. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

H.R. 413. A bill to amend title 38, United States Code, to require that burials be permitted in national cemeteries on weekends and holidays; to the Committee on Veterans Affairs.

H.R. 414. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to benefits thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month), in order to provide such individual's family with assistance in meeting the extra death-related expenses; to the Committee on Ways and Means.

H.R. 415. A bill to amend title II of the Social Security Act to provide that widow's insurance benefits shall be payable at age 50, without actuarial reduction and without regard to disability; to the Committee on Ways and Means.

H.R. 416. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 417. A bill to amend title 10 of the United States Code to permit senior Reserve officers' training programs to be established at public community colleges; to the Committee on Armed Services.

H.R. 418. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis (rather than only on an annual basis as at present); to the Committee on Ways and Means.

H.R. 419. A bill to amend the tax laws of the United States to encourage the preservation of independent local newspapers; to the Committee on Ways and Means.

H.R. 420. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for contributions for the construction or maintenance of buildings housing fraternal organizations; to the Committee on Ways and Means.

H.R. 421. A bill to amend the Internal Revenue Code of 1954 to increase to $6,000 the exclusion from taxable gifts made during a calendar year by a donor to a person; to the Committee on Ways and Means.

H.R. 422. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement that unemployment compensation be reduced by certain retirement benefits will not apply to social security and railroad retirement benefits; to the Committee on Ways and Means.

H.R. 423. A bill to amend the Internal Revenue Code of 1954 to increase the accumulated earnings credit, to increase the amount of used equipment eligible for the investment tax credit, and to allow certain small businesses to use the cash method of accounting without regard to inventories; to the Committee on Ways and Means.

H.R. 424. A bill to amend the Internal Revenue Code of 1954 to increase to $1,200 the personal income tax exemptions of taxpayer (including the exemption for a spouse, the exemptions for dependents, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

H.R. 425. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

H.R. 426. A bill to amend the Internal Revenue Code of 1954 to allow certain married individuals who file separate returns to be taxed as unmarried individuals; to the Committee on Ways and Means.

H.R. 427. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly, to increase the amount of such credit, and for other purposes; to the Committee on Ways and Means.

H.R. 428. A bill to amend the Internal Revenue Code of 1954 to provide to individuals who have attained the age of 62 a refundable credit against income tax for increases in real property taxes and utility bills; to the Committee on Ways and Means.

H.R. 429. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by an individual for dependent care services to enable him to perform volunteer services for certain organizations; to the Committee on Ways and Means.

H.R. 430. A bill to amend the Internal Revenue Code of 1954 to allow handicapped individuals a deduction for certain transportation expenses; to the Committee on Ways and Means.

H.R. 431. A bill to amend the Internal Revenue Code of 1954 to exempt farmers from the highway use tax on heavy trucks used for farm purposes; to the Committee on Ways and Means.

H.R. 432. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 433. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

H.R. 434. A bill to require authorizations of new budget authority for Government programs at least every 6 years; to provide for review of Government programs every 6 years, and for other purposes; to the Committee on Rules.

H.R. 435. A bill to extend from 5 to 10 years the period during which individuals becoming eligible for Government pensions may qualify for an exemption from the pension offset provisions of the Social Security Act; to the Committee on Ways and Means.

H.R. 436. A bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the De-

partment of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local governments property transferred to such agency from other Federal agencies as excess property; jointly; to the Committees on Armed Services, and Government Operations.

H.R. 437. A bill to amend the Social Security Act to provide for inclusion of the services of licensed practical nurses under medicare and medicaid; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 438. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 439. A bill to amend title XVIII of the Social Security Act to require the continued application of the nursing salary cost differential which is presently allowed in determining the reasonable cost of inpatient nursing care for purposes of reimbursement to providers under the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 440. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by professional registered nurses in the peer review, and related activities authorized thereunder; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 441. A bill to amend the Social Security Act to provide for the payment of services by psychologists, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 442. A bill to provide a 3-year residency requirement for aliens receiving supplemental security income benefits and to require every alien admitted for permanent residence to have a sponsor who will contract to support him for 3 years, or to have other means of support; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. RICHMOND:

H.R. 443. A bill to amend the Federal Hazardous Substances Act to establish labeling requirements applicable to substances which cause chronic health side effects, and for other purposes; to the Committee on Energy and Commerce.

H.R. 444. A bill to amend the Internal Revenue Code of 1954 to remove certain limitations in the case of charitable contributions of literary, musical, or artistic compositions, or similar property; to the Committee on Ways and Means.

H.R. 445. A bill to amend the Internal Revenue Code of 1954 to provide that the executor may elect to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his life, any amount which would not have been capital gain if such item had been sold by the decedent at its fair market value; to the Committee on Ways and Means.

By Mr. ROBINSON:

H.R. 446. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

H.R. 447. A bill to amend the National Labor Relations act to provide for a freedom of choice in labor relations for full-time and part-time secondary and college students by exempting them from compulsory union membership, and for other purposes; to the Committee on Education and Labor.

H.R. 448. A bill to limit U.S. contributions to the United Nations; to the Committee on Foreign Affairs.

H.R. 449. A bill to establish the authorized area of Shenandoah National Park; to the Committee on Interior and Insular Affairs.

H.R. 450. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

H.R. 451. A bill to provide for the exclusion from the United States of aliens affiliated with terrorist organizations, to require investigations of registered agents of such organizations, and for other purposes; to the Committee on the Judiciary.

H.R. 452. A bill relating to collective-bargaining representation of postal employees; to the Committee on Post Office and Civil Service,

H.R. 453. A bill to amend the Small Business Emergency Relief Act to provide for emergency relief for small business concerns in connection with fixed-price Government contracts for the lease of real property; to the Committee on Small Business.

H.R. 454. A bill to amend the Internal Revenue Code of 1954 to exempt nonprofit volunteer firefighting or rescue organizations from the Federal excise taxes on gasoline, diesel fuel, and certain other articles and services; to the Committee on Ways and Means.

H.R. 455. A bill to amend the Internal Revenue Code of 1954 to suspend the imposition of interest and to prohibit the imposition of a penalty for failure to pay tax on underpayments of tax resulting from erroneous advice given in writing by the Internal Revenue Service; to the Committee on Ways and Means.

H.R. 456. A bill to amend the Internal Revenue Code of 1954 to allow certain married individuals who file separate returns to be taxed as unmarried individuals; to the Committee on Ways and Means.

H.R. 457. A bill to provide for congressional review of all regulations relating to costs and expenditures for health care, reimbursements to individuals or providers of health care, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means and Rules.

H.R. 458. A bill to amend title 5 of the United States Code to establish a uniform procedure for congressional review of agency rules which may be contrary to law or inconsistent with congressional intent, to expand opportunities for public participation in agency rulemaking, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. ROTH:

H.R. 459. A bill entitled "Domestic Crime Control and Prevention Act"; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 460. A bill to correct inequities in the termination and renewal of franchises, to protect franchisees from unfair practices, to protect franchisors and franchisees from actions inconsistent with the successful operation of franchises, to provide consumers with the benefits which result from a competitive and open market economy, and for other purposes; to the Committee on Energy and Commerce.

H.R. 461. A bill to amend the Internal Revenue Code of 1954 to suspend the imposition of interest and to prohibit the imposition of a penalty for failure to pay tax on underpayments of tax resulting from erroneous advice given in writing by the Internal Revenue Service; to the Committee on Ways and Means.

H.R. 462. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographical location of the applicant's residence; to the Committee on Banking, Finance and Urban Affairs.

H.R. 463. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act and to otherwise require the labels on foods and food products to disclose all of their ingredients and any changes in their ingredients, their nutritional content, accurate weight data, storage information, their manufacturers, packers, and distributors, and their unit prices and to provide for uniform product grading and prohibit misleading brand names; to the Committee on Energy and Commerce.

H.R. 464. A bill to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Ways and Means.

H.R. 465. A bill to correct inequities in the relationship between sales representatives and their principals, and for other purposes; to the Committee on Energy and Commerce.

H.R. 466. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit of $250 to an individual for expenditures for health insurance premiums; to the Committee on Ways and Means.

H.R. 467. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption where a taxpayer, his spouse, or any dependent of the taxpayer is handicapped; to the Committee on Ways and Means.

H.R. 468. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $10,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

H.R. 469. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of individuals who have attained the age of 62 $3,000 of interest received during any taxable year; to the Committee on Ways and Means.

H.R. 470. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 471. A bill to amend title XVI of the Social Security Act to direct the Secretary, in determining the extent to which the value of an individual's home is excludable for purposes of establishing his or her eligibility for supplemental security income benefits, to take into account regional variations in the market prices of homes and to make periodic adjustments reflecting changes in land and home values; to the Committee on Ways and Means.

H.R. 472. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to taxpayers who contribute the right to use certain real property to charitable organizations for outpatient geriatric clinics or for multipurpose senior centers; to the Committee on Ways and Means.

H.R. 473. A bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions; to the Committee on Ways and Means.

H.R. 474. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individ-

uals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

H.R. 475. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the annual gift tax exclusion from $3,000 to $6,000; to the Committee on Ways and Means.

H.R. 476. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Ways and Means.

H.R. 477. A bill to amend the Internal Revenue Code of 1954 to restore the deduction for State and local taxes on gasoline and other motor fuels and to allow the deduction for such taxes without regard to whether the taxpayer itemizes other deductions; to the Committee on Ways and Means.

H.R. 478. A bill to eliminate the offset against social security benefits in the case of spouses and surviving spouses receiving certain Government pensions; to the Committee on Ways and Means.

H.R. 479. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to reduce social security taxes and apply the proceeds thereof exclusively to the financing of the old-age, survivors, and disability insurance program, with the medicare program being hereafter financed from general revenues (earmarking a portion of Federal income tax receipts for that purpose) rather than through the imposition of employment and self-employment taxes as at present; to the Committee on Ways and Means.

H.R. 480. A bill to amend the Internal Revenue Code of 1954 to provide a system of capital recovery investment in plant and equipment, and to encourage economic growth and modernization through increased capital investment and expanded employment opportunities; to the Committee on Ways and Means.

H.R. 481. A bill to amend the Internal Revenue Code of 1954 to provide that severance pay resulting from a plant closing shall be subject to tax at reduced rates; to the Committee on Ways and Means.

H.R. 482. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax for amounts paid or incurred by the taxpayer for alterations to his principal residence in order to make such residence more suitable for handicapped family members; to the Committee on Ways and Means.

H.R. 483. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for one-third of the amount of certain local wage taxes paid by individuals who are not residents of the local governmental area; to the Committee on Ways and Means.

H.R. 484. A bill to amend the Internal Revenue Code of 1954 to clarify the tax exemption for interest on obligations of volunteer fire departments; to the Committee on Ways and Means.

H.R. 485. A bill to amend the Internal Revenue Code of 1954 to allow a refundable tax credit for amounts paid for increases in electricity under automatic fuel adjustment clauses as a result of the shutdown of the nuclear generating facilities; to the Committee on Ways and Means.

H.R. 486. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses of elementary and secondary education; to the Committee on Ways and Means.

H.R. 487. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

H.R. 488. A bill relating to tax treatment of qualified dividend reinvestment plans; to the Committee on Ways and Means.

H.R. 489. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local public utility taxes; to the Committee on Ways and Means.

H.R. 490. A bill to amend the Internal Revenue Code of 1954 to treat permanently and totally disabled individuals in the same way as individuals who have attained the age of 55 for purposes of the one-time exclusion of gain from the sale of a principal residence; to the Committee on Ways and Means.

H.R. 491. A bill to amend section 411 of the Higher Education Act of 1965 to exclude from eligibility calculations for basic grants the value of a family's residence; to the Committee on Education and Labor.

H.R. 492. A bill to amend the Home Owners' Loan Act of 1933 to provide that a Federal savings and loan association may not offer a renegotiable rate mortgage to any person unless such association also offers such person a standard mortgage instrument; to the Committee on Banking, Finance and Urban Affairs.

H.R. 493. A bill to stimulate research and development aimed at the production of gasohol as an alternative energy source by establishing national demonstration facilities for the conversion of garbage and other solid wastes into fuels, to be constructed by the Secretary of Energy under the Federal Nonnuclear Energy Research and Development Act of 1974; to the Committee on Science and Technology.

H.R. 494. A bill to provide for a Council of Oil Importing Nations, and for other purposes; to the Committee on Foreign Affairs.

H.R. 495. A bill 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; to the Committee on Science and Technology.

H.R. 496. A bill to amend the Clean Air Act to promote the use of alcohol as a motor vehicle fuel and as an additive to motor vehicle fuels, and for other purposes; to the Committee on Energy and Commerce.

H.R. 497. A bill to provide for a research, development, and evaluation program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes; to the Committee on Science and Technology.

H.R. 498. A bill to provide that the Federal Government shall assume 100 per centum of all Federal, State, and local welfare costs; to the Committee on Ways and Means.

H.R. 499. A bill to provide that the U.S. District Court for the Judicial District of New Jersey shall be held at Paterson, N.J., in addition to those places currently provided by law; to the Committee on the Judiciary.

H.R. 500. A bill to amend the Congressional Budget Act to require the Congressional Budget Office, for every bill or resolution reported in the House or Senate, to prepare and submit (along with its regular estimate of the Federal cost involved) an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution; to the Committee on Rules.

By Mr. GEPHARDT (for himself and Mr. CONABLE):

H.R. 501. A bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 502. A bill to establish as a part of the Rules of the House of Representatives and the Senate a procedure for the periodic congressional review of Federal programs and tax expenditures, and to improve legislative oversight of Federal activities and regulatory programs; to the Committee on Rules.

H.R. 503. A bill to amend the Older Americans Act and the Public Health Service Act to provide expanded counseling assistance for the elderly sick and disabled; to the Committee on Education and Labor.

H.R. 504. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Energy and Commerce, and Ways Means.

H.R. 505. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Energy and Commerce, and Ways Means.

H.R. 506. A bill to permit the introduction or delivery for introduction of laetrile into interstate commerce without the approval of a new drug application under the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

H.R. 507. A bill to amend the Public Health Service Act to provide for the control of vitiligo; to the Energy and Commerce.

By Mr. KASTENMEIER:

H.R. 508. A bill to promote competition in the production of coal, uranium, and geothermal power; to the Committee on the Judiciary.

H.R. 509. A bill to establish a Federal Oil and Gas Corporation; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

By Mr. ROE:

H.R. 510. A bill to amend title XVI of the Social Security Act to provide that the income and resources of parents shall not be attributed to their children (for purposes of determining the eligibility of such children for supplemental security income benefits) in certain cases where the payment of such benefits is necessary to enable the parents to provide disability-related home care without which the children would require continued institutionalization; to the Committee on Ways and Means.

H.R. 511. A bill to establish a commission to hear, determine, and pay claims against the United States for money damages for the injuries to individuals who contracted the Guillain-Barre Syndrome after receiving immunizations under the national swine flu immunization program, and for other purposes; to the Committee on the Judiciary.

H.R. 512. A bill directing the President to take certain actions with respect to any country which engages in certain hostile actions against property of the United States or U.S. officers or employees assigned to duty abroad; to the Committee on Foreign Affairs.

H.R. 513. A bill to amend the Export Administration Act of 1969 to improve the administration of export controls by assigning to the Secretary of Defense the primary responsibility for identifying the types of technologies and goods which shall be controlled for national security purposes; by providing for a comprehensive and continuing review of export controls with a view to strengthening controls over exports of critical technologies and goods while facilitating exports of any technologies and goods which will not significantly adversely affect the national security of the United States; and by providing for congressional oversight of such exports; and for other purposes; jointly, to the Committees on Foreign Affairs and Armed Services.

H.R. 514. A bill to amend title 38, United States Code, to establish a Court of Veterans' Appeals and to prescribe its jurisdiction and functions; to the Committee on Veterans' Affairs.

H.R. 515. A bill to amend title 38 of the United States Code in order to provide mortgage protection life insurance to certain veterans unable to acquire commercial life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 516. A bill to amend title 38, United States Code, to provide that agricultural employment required for eligibility for educational assistance under the GI bill for a person enrolled in a farm cooperative program need not be full-time employment or the principal expected source of income of such person and may include employment in establishments engaged in the processing, distribution, or sale of agricultural products; to the Committee on Veterans' Affairs.

H.R. 517. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 518. A bill to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes; to the Committee on Veterans' Affairs.

H.R. 519. A bill to amend title 38, United States Code, to provide for the payment of service pensions to veterans of World War I and the surviving spouses and children of such veterans; to the Committee on Veterans' Affairs.

H.R. 520. A bill to amend title 38, United States Code, to eliminate the time period in which a veteran has to use his educational benefits; to the Committee on Veterans' Affairs.

H.R. 521. A bill to extend the eligibility of certain persons for educational benefits under the GI bill; to the Committee on Veterans' Affairs.

H.R. 522. A bill to amend title 38 of the United States Code in order to authorize the Administrator of Veterans' Affairs to make scholarship grants to individuals attending medical schools on the condition that such individuals will serve in Veterans' Administration facilities for a certain period of time upon completion of professional training, and for other purposes; to the Committee of Veterans' Affairs.

H.R. 523. A bill to amend title 38, United States Code, to waive the 1-year limitation on claims for compensation from the Veterans' Administration for disabilities and diseases incurred in or aggravated by military service in the case of claims by veterans who served in Southeast Asia during the Vietnam era for compensation for disabilities resulting from exposure to the phenoxy herbicide known as agent orange or other phenoxy herbicides; to the Committee on Veterans' Affairs.

H.R. 524. A bill to amend title 10, United States Code, to raise to 45 the maximum age at which an individual may receive an original appointment as a commissioned officer of the Armed Forces; to the Committee on Armed Services.

H.R. 525. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officers' bill of rights; to the Committee on the Judiciary.

H.R. 526. A bill to amend chapter 44 of title 18 of the United States Code to extend the mandatory penalty feature of the prohibition against the use of firearms in Federal felonies, and for other purposes; to the Committee on the Judiciary.

H.R. 527. A bill to amend title 18, United States Code, to increase the term of imprisonment for certain offenses relating to carrying or using firearms, to eliminate eligibility for parole with respect to such term, and to require that such term be served before and consecutively to any related sentence of imprisonment; to the Committee on the Judiciary.

H.R. 528. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to add a requirement that the comprehensive State plan include provisions for attention to the special problems of prevention, treatment, and other aspects of crimes against the elderly; to the Committee on the Judiciary.

H.R. 529. A bill to amend the Flammable Fabrics Act to prohibit the manufacture for sale in commerce of articles of interior furnishing intended for use in any public facility unless such articles conform with requirements established by the Consumer Product Safety Commission designed to make such articles fire resistant; to the Committee on Energy and Commerce.

H.R. 530. A bill to amend the Federal Aviation Act of 1958, relating to aircraft piracy, to provide a method for combating terrorism, and for other purposes; jointly to the Committees on Public Works and Transportation, the Judiciary, and Foreign Affairs.

H.R. 531. A bill to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits; to the Committee on Ways and Means.

H.R. 532. A bill to provide income tax incentives for the modification of certain facilities so as to remove architectural and transportational barriers to the handicapped and elderly; to the Committee on Ways and Means.

H.R. 533. A bill to increase alternatives to institutionalization for senior citizens; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 534. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis (rather than only on an annual basis as at present); to the Committee on Ways and Means.

H.R. 535. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 536. A bill to amend the Older Americans Act of 1965 to provide that the Commissioner of the Administration on Aging may make grants to assist older persons adversely affected by natural disasters, and for other purposes; to the Committee on Education and Labor.

H.R. 537. A bill to amend various laws relating to civil rights to extend their protection to the elderly, and for other purposes; to the Committee on the Judiciary.

H.R. 538. A bill to amend title II of the Social Security Act to provide that the widow's or widower's insurance benefits to which a disabled individual becomes entitled before attaining age 60 shall not be less than the amount (71½ percent of the deceased spouse's primary insurance amount) to which they would have been reduced if the first month of such entitlement had been the month in which such individual attained that age; to the Committee on Ways and Means.

H.R. 539. A bill to amend title II of the Social Security Act to provide that upon the death of one member of a married couple the surviving spouse or surviving divorced spouse shall automatically inherit the deceased spouse's earnings credits to the extent that such credits were earned during the period of their marriage; to the Committee on Ways and Means.

H.R. 540. A bill to amend title II of the Social Security Act to provide that a divorced spouse may qualify for benefits on the basis of a marriage which lasted for as few as 5 years (instead of only on the basis of a marriage which lasted for 10 or more years as at present) in the case of certain late-life divorces; to the Committee on Ways and Means.

H.R. 541. A bill to amend title II of the Social Security Act to provide that a husband and wife may elect to split their earnings for social security purposes upon the retirement of either or both of them, or upon their divorce, and to equalize the benefits payable to a retired worker and his or her spouse (on such worker's wage record) if they have not so elected; to the Committee on Ways and Means.

H.R. 542. A bill to amend title II of the Social Security Act to provide for the payment of a transition benefit to the spouse of an insured individual upon such individual's death if such spouse has attained age 50 and is not otherwise immediately eligible for benefits; to the Committee on Ways and Means.

H.R. 543. A bill to amend title II of the Social Security Act to provide that the combined earnings of a husband and wife during the period of their marriage shall be divided equally and shared between them for benefit purposes, so as to recognize the economic contribution of each spouse to the marriage and assure that each spouse will have social security protection in his or her own right; to the Committee on Ways and Means.

H.R. 544. A bill to amend title II of the Social Security Act to reaffirm the fact that

benefits payable thereunder are exempt from all taxation; to the Committee on Ways and Means.

H.R. 545. A bill to amend title XVIII of the Social Security Act to provide for the enforcement of standards relating to the rights of patients in certain medical facilities; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 546. A bill to amend title XIX of the Social Security Act to permit States to establish flexible income contribution and resource standards for couples in which one spouse is in a nursing home; to the Committee on Energy and Commerce.

H.R. 547. A bill to establish a program to promote the utilization of spinoffs from space technology in meeting the needs and alleviating the suffering of the elderly; to the Committee on Science and Technology.

H.R. 548. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

H.R. 549. A bill to establish within the Department of Health and Human Services a Home Health Clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal home health programs available to them; to the Committee on Energy and Commerce.

H.R. 550. A bill to establish a program of drug benefits for the aged; to establish a Drug Benefits Council and other appropriate management controls to provide for the efficient administration of such program; and to require the conducting of certain studies and experiments, to enhance the capability of the Secretary of Health and Human Services to administer such program, and for other purposes; to the Committee on Energy and Commerce.

H.R. 551. A bill to amend title 38 of the United States Code in order to waive the payment of premiums for National Life Insurance by certain persons who have attained age 70; to the Committee on Veterans' Affairs.

H.R. 552. A bill to direct the Secretary of Health and Human Services to provide Federal minimum standards for health insurance for the elderly, and to amend title XVIII of the Social Security Act for the purpose of directing the Secretary to study methods of further improving the regulation of health insurance for the elderly and to evaluate methods by which the medicare program could more fully meet the health insurance needs of the elderly; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 553. A bill to further amend the Older Americans Act of 1965, as amended, to establish a program under which institutions of higher education may receive grants to defray 55 percent of the tuition costs of older persons attending such institutions on a tuition-free basis, and for other purposes; to the Committee on Education and Labor.

H.R. 554. A bill to amend title II of the Social Security Act to increase from $255 to $750 the lump sum death payment which will be made in the case of an insured individual who dies leaving a relatively small estate; to the Committee on Ways and Means.

H.R. 555. A bill to provide for an accelerated program for the recovery of energy from municipal wastes, and for other purposes; jointly, to the Committees on Science and Technology and Energy and Commerce.

By Mr. ROE (for himself, Mr. HOLLENBECK, and Mr. RICHMOND):

H.R. 556. A bill to establish a National Center of Alternative Research; to develop and coordinate alternative methods of research and testing which do not involve the use of live animals; to develop training programs in the use of alternative methods of research and testing which do not involve the use of live animals; to eliminate or minimize the duplication of experiments on live animals; to disseminate information on such methods; and for other purposes; jointly, to the Committees on Energy and Commerce and Science and Technology.

By Mr. ROE:

H.R. 557. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for the cutting and removal of corns, warts, and calluses, and the reduction of club nails; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 558. A bill to amend title 5, United States Code, to entitle Civil Air Patrol Cadets 18 years of age and older to compensation available to Civil Air Patrol senior members in the event of disability or death, and to increase the level of compensation available to both; to the Committee on Education and Labor.

H.R. 559. A bill to amend the Commodity Credit Corporation Charter Act to create within the Commodity Credit Corporation a national grain board, to provide the highest possible prices in foreign markets for American agricultural producers, to provide price and supply stability in domestic markets, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

H.R. 560. A bill to provide for the termination of the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957, to prohibit the taking of seals in the Pribilof Islands, and for other purposes; jointly, to the Committees on Foreign Affairs, Merchant Marine and Fisheries, and Interior and Insular Affairs.

H.R. 561. A bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend various provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and the Judiciary.

H.R. 562. A bill to create a national system of health security; jointly to the Committees on Energy and Commerce, and Ways and Means.

H.R. 563. A bill to provide that all petroleum imported into the United States after September 1, 1981, shall not be available for purchase other than by the Government of the United States; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 564. A bill to establish a Space Industrialization Corporation to promote, encourage, and assist in the development of new products, processes, and industries using the properties of the space environment; jointly, to the Committees on Banking, Finance and Urban Affairs and Science and Technology.

H.R. 565. A bill to require business concerns which undertake changes of operations to give notice to the Secretary of Labor, and to affected labor organizations, employees, and local governments; to require business concerns to provide assistance to employees who suffer an employment loss caused by changes of operations, to authorize the Secretary of Labor to provide assistance to such business concerns, and to such affected employees and local governments; and for other purposes; jointly, to the Committees on Education and Labor and Banking, Finance and Urban Affairs.

By Mr. ROTH:

H.R. 566. A bill authorizing to provide for the filing of tariffs by common carriers by water in the foreign commerce of the United States; to the Committee on Merchant Marine and Fisheries.

H.R. 567. A bill relating to the treatment of certain annuity contracts; to the Committee on Ways and Means.

H.R. 568. A bill to amend the Internal Revenue Code of 1954 to increase the unified credit against estate and gift taxes so that estates under $500,000 will not be subject to estate tax and to increase the gift tax exclusion from $3,000 to $6,000; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 569. A bill to amend section 8 of the United States Housing Act of 1937 for the purpose of reducing the amount of rent required to be paid by elderly families residing in dwelling units assisted by Federal contributions authorized by such section; to the Committee on Banking, Finance and Urban Affairs.

H.R. 570. A bill to provide that elderly persons residing in dwelling units receiving Federal assistance shall be provided with certain rights in the lease agreements between the elderly persons and the owners of the units; to the Committee on Banking, Finance and Urban Affairs.

H.R. 571. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 572. A bill to provide for the inclusion of emergency power equipment in federally assisted multifamily housing facilities which are designed for occupancy in whole or substantial part by the elderly, and to authorize Federal loans to finance the provision of such equipment for those facilities; to the Committee on Banking, Finance and Urban Affairs.

H.R. 573. A bill to provide assistance and coordination in the provision of child-care services for children living in homes with working parents, and for other purposes; to the Committee on Education and Labor.

H.R. 574. A bill to amend the Education of the Handicapped Act to provide tutorial and related instructional services for homebound children through the employment of college students, particularly veterans and other students who themselves are handicapped; to the Committee on Education and Labor.

H.R. 575. A bill to amend the Community Services Act of 1974 to permit the Director of Community Services Administration to furnish assistance for the installation of security devices in the residences of elderly persons; to the Committee on Education and Labor.

H.R. 576. A bill to amend the Older Americans Act of 1965 to provide assistance for the installation of security devices in the residences of elderly persons; to the Committee on Education and Labor.

H.R. 577. A bill to provide expanded counseling assistance for the elderly sick and disabled; to the Committee on Education and Labor.

H.R. 578. A bill to provide for the monthly publication of a Consumer Price Index for the Elderly and to provide for studies to be made with regard to utilizing such index in determining cost-of-living adjustments authorized in certain Federal programs for individuals who are at least 62 years of age; to the Committee on Education and Labor.

H.R. 579. A bill to establish an Office of Spanish-Speaking Affairs in the Executive Office of the President, and for other purposes; to the Committee on Government Operations.

H.R. 580. A bill to provide for payment by the United States for certain medical services and treatment provided to United States citizens and permanent residents suffering from physical injuries attributable to the atomic bomb explosions on Hiroshima and Nagasaki, Japan, in August 1945; to the Committee on the Judiciary.

H.R. 581. A bill to provide for grants to States for the payment of compensation to certain elderly individuals who are injured by criminal acts and omissions or who suffer property loss as a result of certain criminal acts and omissions, and for other purposes; to the Committee on the Judiciary.

H.R. 582. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 583. A bill to amend the Legal Services Corporation Act to provide legal assistance to older persons in connection with their participation in certain health insurance and medical assistance programs under the Social Security Act; to the Committee on the Judiciary.

H.R. 584. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 585. A bill to require that each executive department regularly publish certain statistics relating to Americans of Spanish origin or descent; to the Committee on Post Office and Civil Service.

H.R. 586. A bill to amend the Small Business Act to increase to $110,000 the amount of a borrower's disaster loans eligible for a 3 per centum interest rate; to the Committee on Small Business.

H.R. 587. A bill to amend the Second Liberty Bond Act to provide that individuals age 65 or older who purchase certain U.S. savings bonds shall be paid a rate of interest which is 2 per centum higher than the rate of inflation; to the Committee on Ways and Means.

H.R. 588. A bill to amend the Internal Revenue Code of 1954 to provide that certain rentals to members of the taxpayer's family will not be treated as personal use by the taxpayer for purposes of the disallowance of certain expenses in connection with the business use of homes, rental of vacation homes, et cetera; to the Committee on Ways and Means.

H.R. 589. A bill to amend title II of the Social Security Act to increase to $10,000 in the case of an individual under age 65, and to $15,000 in the case of an individual age 65 or over, the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

H.R. 590. A bill to amend title XVI of the Social Security Act to provide for the payment of a special housing allowance to each recipient of supplemental security income benefits whose housing expenses exceed an amount equal to 25 per centum of his or her income, so as to reduce such expenses to that amount; to the Committee on Ways and Means.

H.R. 591. A bill to amend title XX of the Social Security Act to include among the services eligible for Federal assistance under such title the installation of devices to promote the security of the elderly in their homes; to the Committee on Ways and Means.

H.R. 592. A bill to amend the Internal Revenue Code of 1954 to make permanent law the deduction for expenditures to remove architectural and transportation barriers to the handicapped and elderly; to the Committee on Ways and Means.

H.R. 593. A bill to amend the Social Security Act to make certain that recipients of supplemental security income benefits, recipients of social services, recipients of aid to families with dependent children, and recipients of aid or assistance under certain other Federal and federally assisted programs will not have the amount of such benefits, services, aid, or assistance reduced because of increases in monthly social security benefits; and to provide that cost-of-living increases in annuity, pension, retirement, disability, or other employment-related benefits being paid to an individual under a public program, occurring after such individual's initial entitlement to such benefits, shall not be included in such individual's income in determining his or her eligibility for supplemental security income benefits; to the Committee on Ways and Means.

H.R. 594. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special healthcare and related needs of elderly persons in a campus-type setting; jointly, to the Committees on Banking, Finance and Urban Affairs, and Energy and Commerce.

H.R. 595. A bill to establish a Commission on a North American Economic Alliance; jointly, to the Committees on Foreign Affairs, and Ways and Means.

H.R. 596. A bill to amend title XVIII of the Social Security Act to include hearing aids and dentures among the items and services for which payment may be made under the supplementary medical insurance program; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 597. A bill to amend titles XVIII and XIX of the Social Security Act to include services of licensed (registered) nurses, physician extenders, and nurse practitioners among the services for which payment may be made under the medicare and medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROYBAL (for himself and Mr. WAXMAN):

H.R. 598. A bill to establish an Office of Federal Audio-Visual Policy within the Office of Management and Budget, and for other purposes; to the Committee on Government Operations.

By Mr. ROUSSELOT:

H.R. 599. A bill to amend the Federal Mine Safety and Health Act of 1977 to provide that the provisions of such act shall not apply to stone mining operations, sand and gravel mining operations, or certain surface construction operations; to the Committee on Education and Labor.

H.R. 600. A bill to repeal the Emergency Petroleum Allocation Act; to the Committee on Energy and Commerce.

H.R. 601. A bill to amend title 39, United States Code, to eliminate certain provisions relating to private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 602. A bill to amend the Internal Revenue Code of 1954 to provide for automatic cost-of-living adjustments in the income tax and withholding rates; to the Committee on Ways and Means.

H.R. 603. A bill to amend sections 46(f) and 167(l) of the Internal Revenue Code of 1954 regarding the treatment of public utility property and to provide a transitional rule with respect thereto; to the Committee on Ways and Means.

H.R. 604. A bill to amend the Internal Revenue Code of 1954 to provide that the investment tax credit shall be allowable with respect to certain small boilers fueled by oil or gas; to the Committee on Ways and Means.

H.R. 605. A bill to amend the Internal Revenue Code of 1954 to provide that the investment tax credit for energy property shall apply to certain property which is at least 10 percent more efficient than the property replaced; to the Committee on Ways and Means.

H.R. 606. A bill to amend the Internal Revenue Code of 1954 to allow the charitable deduction to taxpayers whether or not they itemize their personal deductions; to the Committee on Ways and Means.

H.R. 607. A bill to amend the Internal Revenue Code of 1954 to allow individuals under age 55 to elect the one-time exclusion of gain from sale of principal residence; to the Committee on Ways and Means.

H.R. 608. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $10,000 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

H.R. 609. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $5,000 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

H.R. 610. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income $2,000 of interest on savings in the case of an individual taxpayer; to the Committee on Ways and Means.

H.R. 611. A bill to amend the Internal Revenue Code of 1954 to cut in half the capital gains tax on the sale of certain stocks and bonds of qualified small corporations; to the Committee on Ways and Means.

H.R. 612. A bill to amend the Internal Revenue Code of 1954 to repeal the provisions requiring withholding of tax on certain gambling winnings; to the Committee on Ways and Means.

H.R. 613. A bill to amend the Internal Revenue Code of 1954 and for other purposes; to the Committee on Ways and Means.

H.R. 614. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

H.R. 615. A bill to amend title XI of the Social Security Act to repeal the provision for the establishment of professional standards review organizations to review services covered under the medicare and medicaid programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROUSSELOT (for himself and Mr. HANSEN of Idaho):

H.R. 616. A bill to repeal the Occupational Safety and Health Act; to the Committee on Education and Labor.

By Mr. ROUSSELOT (for himself and Mr. LEWIS):

H.R. 617. A bill to amend the Internal Revenue Code of 1954 to provide for a definition of the term "artificial bait"; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 618. A bill to convey certain interests in public lands to the city of Angels, Calif.; to the Committee on Interior and Insular Affairs.

H.R. 619. A bill to amend the Immigration and Nationality Act to facilitate the admission of aliens for temporary agricultural employment; to the Committee on the Judiciary.

H.R. 620. A bill to amend the Immigration and Nationality Act to provide for labor certification on an areawide, rather than on a countrywide, basis for admittance of temporary agricultural laborers; to the Committee on the Judiciary.

H.R. 621. A bill to amend the Internal Revenue Code of 1954 to provide for equipment which conserves irrigation water an additional 10 percent investment tax credit and an election to depreciate such equipment based on a 3-year useful life; to the Committee on Ways and Means.

H.R. 622. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

H.R. 623. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. SMITH of Iowa:

H.R. 624. A bill to provide family farmers and others with timely information concerning export sales of certain agricultural commodities; to the Committee on Agriculture.

H.R. 625. A bill to amend the United States Grain Standards Act for the purpose of expanding foreign trade by improving and maintaining the quality of grain shipped from an export elevator at an export port location; to the Committee on Agriculture.

H.R. 626. A bill to repeal the 1976 Official Standards for Grades of Carcass Beef; to the Committee on Agriculture.

H.R. 627. A bill to authorize loans for study at nonprofit institutions of higher education; to the Committee on Education and Labor.

H.R. 628. A bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to require that foods intended for human consumption be labeled to show the amount of sodium and potassium they contain; to the Committee on Energy and Commerce.

H.R. 629. A bill to require the consideration of environmental and other factors, and the stockpiling and replacement of soil on all public works projects and highway and other projects which are federally assisted, on federally held land, and on projects which affect commerce among the States, or the general welfare and quality of life of the Nation; jointly, to the Committees on Agriculture and Public Works and Transportation.

H.R. 630. A bill to clarify the eligibility of certain small businesses for loans under the Small Business Act, to aid, protect, and preserve small businesses in meat production and marketing, and for other purposes; jointly, to the Committees on Agriculture and Small Business.

H.R. 631. A bill to amend the Small Business Act to assist and protect small businesses and to protect small businesses against unreasonable use of economic power by major meatpacking companies, and for other purposes; jointly, to the Committees on Agriculture and Small Business.

By Mr. SNYDER:

H.R. 632. A bill to establish the Falls of the Ohio Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. SOLOMON:

H.R. 633. A bill to provide that rates of pay for Members of Congress shall not be subject to adjustment under the Federal Salary Act of 1967 or subject to any other automatic adjustment; to the Committee on Post Office and Civil Service.

H.R. 634. A bill to amend the Internal Revenue Code of 1954 to provide individuals a limited exclusion from gross income for interest on deposits in certain savings institutions; to the Committee on Ways and Means.

H.R. 635. A bill to amend title II of the Social Security Act to make it clear that social security benefits are and will continue to be exempt from all taxation; to the Committee on Ways and Means.

By Mr. TRIBLE (for himself, Mr. WHITEHURST, Mr. ROBINSON, Mr. BUTLER, Mr. ROBERT W. DANIEL, JR., Mr. BLILEY, Mr. WOLF, Mr. WAMPLER, Mr. PARRIS, and Mr. DAN DANIEL):

H.R. 636. A bill to provide for dredging of Hampton Roads Harbor and Channels, Virginia; to the Committee on Public Works and Transportation.

By Mr. WALKER:

H.R. 637. A bill to amend the Food Stamp Act of 1977 to authorize the States to establish eligibility standards for participation in the food stamp program and benefit levels under such program, and for other purposes; to the Committee on Agriculture.

By Mr. WAMPLER:

H.R. 638. A bill to establish the National Science Council to decide questions of scientific fact which arise in agency adjudications involving restricting the use of certain substances which are primarily used in food production, processing, or marketing and which may be harmful to human health, and for other purposes; jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

By Mr. WEAVER:

H.R. 639. A bill to prohibit the export of unprocessed timber harvested from lands owned by the United States located west of the hundredth meridian and in the continental United States, and for other purposes; jointly, to the Committees on Agriculture, Foreign Affairs and Interior and Insular Affairs.

By Mr. WHITEHURST:

H.R. 640. A bill to amend chapter 55 of title 10, United States Code, to authorize the provision of medical and dental care to surviving spouses of members and certain former members of the uniformed services who are not remarried; to the Committee on Armed Services.

H.R. 641. A bill to provide a basic allowance for quarters for certain members of the armed services while on field or sea duty; to the Committee on Armed Services.

H.R. 642. A bill to establish a National Zoological Foundation; to the Committee on Merchant Marine and Fisheries.

H.R. 643. A bill to modify the navigation project for Lynnhaven inlet, bay, and connecting waters, Virginia; to the Committee on Public Works and Transportation.

H.R. 644. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a veteran after age 60 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans Affairs.

H.R. 645. A bill to amend the Internal Revenue Code of 1954 to provide taxsaving incentives for savings accounts established for the purpose of purchasing a home; to the Committee on Ways and Means.

H.R. 646. A bill to amend the Internal Revenue Code of 1954 to provide for individual supplemental retirement savings; to the Committee on Ways and Means.

H.R. 647. A bill to terminate the Department of Energy; jointly, to the Committees on Government Operations, and Rules.

By Mr. WYLIE:

H.R. 648. A bill to amend the Congressional Budget Act of 1974 and the Budget and Accounting Act, 1921, to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress; jointly, to the Committees on Government Operations, and Rules.

H.R. 649. A bill to amend the Congressional Budget Act of 1974 to limit the total of all Federal expenditures and outlays to 2 per centum of gross national product after September 30, 1983, except in time of war or economic necessity declared by the Congress; jointly to the Committees on Government Operations, and Rules.

H.R. 650. A bill to amend the Congressional Budget Act of 1974 to set a maximum percentage of 7 per centum by which Federal expenditures and new budget authority could increase from any one fiscal year to the next fiscal year, except in time of war or in time of economic necessity declared by Congress; jointly, to the Committees on Government Operations, and Rules.

By Mr. YATES:

H.R. 651. A bill to amend title 42, United States Code, chapter 7, subchapter II to reduce from 10 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted in order for her to qualify for wife's or widow's benefits on his wage record; to the Committee on the Judiciary.

H.R. 652. A bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers, dealers, and pistol clubs; to the Committee on the Judiciary.

H.R. 653. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. PICKLE:

H.R. 654. A bill relating to tax treatment of qualified dividend reinvestment plans; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 655. A bill to encourage increased use of public transit systems by amending chapter 1 of title 26, United States Code, to allow a credit against individual income taxes for funds expended by a taxpayer for payment of public transit fares from his or her residence to his or her place of employment and

from his or her place of employment to his or her residence; to the Committee on Ways and Means.

H.R. 656. A bill to amend chapter 1 of title 26, United States Code, to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

H.R. 657. A bill to reduce until the close of June 30, 1983, the rate of duty on certain woven fabrics of wool; to the Committee on Ways and Means.

By Mr. ZEFERETTI:

H.R. 658. A bill to provide assistance for the construction, acquisition, and renovation of State and local prison facilities, and for other purposes; to the Committee on the Judiciary.

H.R. 659. A bill to amend title XX of the Social Security Act to increase the entitlement ceiling, and for other purposes; to the Committee on Ways and Means.

H.R. 660. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

By Mr. BROOKS:

H.J. Res. 1. Joint resolution proposing an amendment to the Constitution of the United States to provide for single 6-year terms for the President and Vice President, and to repeal the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. BADHAM, Mr. BLILEY, Mr. BROWN of Colorado, Mr. BURGENER, Mr. CAMPBELL, Mr. COLLINS of Texas, Mr. CORCORAN, Mr. DANIEL B. CRANE, Mr. ROBERT W. DANIEL, JR., Mr. DERWINSKI, Mr. DORNAN of California, Mr. DUNCAN, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. FORSYTHE, Mr. HARTNETT, Mr. HUBBARD, Mr. JEFFRIES, Mr. KRAMER, Mr. LAGOMARSINO, Mr. LEE, Mr. LUJAN, Mr. LUNGREN, MS. MARTIN of Illinois, Mr. MONTGOMERY, Mr. NICHOLS, Mr. ROBERTS, Mr. SIMON, Mr. SPENCE, Mr. WALKER, Mr. WHITTAKER, and Mr. YATRON):

H.J. Res. 2. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. NEAL:

H.J. Res. 3. Joint resolution proposing an amendment to the Constitution of the United States to provide that, except in cases of war or other grave national emergency as determined by the Congress, expenditures of the United States in each fiscal year shall not exceed 20 percent of the gross national product for the preceding calendar year, and expenditures of the United States in each fiscal year shall not exceed revenues of the United States for that fiscal year; to the Committee on the Judiciary.

By Mr. McCLORY:

H.J. Res. 4. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget, the limitation of expenditures, and the reduction of the public debt; to the Committee on the Judiciary.

By Mr. ALBOSTA:

H.J. Res. 5. Joint resolution authorizing the President to enter into negotiations with foreign governments to limit the importation of automobiles and trucks into the United States; to the Committee on Ways and Means.

By Mr. ANNUNZIO (for himself and Mr. MCCLORY):

H.J. Res. 6. Joint resolution recognizing the State of Illinois and the city of Chicago as hosts in 1992 of the official quincentennial celebration of the discovery of America; to the Committee on Post Office and Civil Service.

By Mr. APPLEGATE:

H.J. Res. 7. Joint resolution proposing that a Presidential commission be established to study full implications of compliance with the Clean Air Act, as amended, and adjusting the criteria that is used in monitoring air quality; to the Committee on Energy and Commerce.

H.J. Res. 8. Joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office of the judges of the Supreme and inferior courts; to the Committee on the Judiciary.

By Mr. ARCHER:

H.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States requiring the submission of balanced Federal funds budgets by the President and action by the Congress to provide revenues to offset Federal funds deficits; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H.J. Res. 10. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res. 11. Joint resolution proposing an amendment to the Constitution of the United States to provide that total taxation by the Federal Government of the people of the United States shall not exceed 15 percent of the gross national product, and to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on the Judiciary.

H.J. Res. 12. Joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res 13. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn; to the Committee on the Judiciary.

By Mr. BAFALIS (for himself, Mr. BURGENER, Mr. PHILIP M. CRANE, Mr. ROUSSELOT, Mr. LOTT, Mr. HYDE, Mr. YOUNG of Florida, Mr. COLLINS of Texas, Mr. MOORE, Mr. MARTIN of North Carolina, Mr. DUNCAN, Mr. WALKER, Mrs. HOLT, Mr. BEARD, Mr. BUTLER, Mr. GUYER, Mr. EVANS of Delaware, Mr. HANSEN of Idaho, Mr. SAM B. HALL, JR., Mr. EDWARDS of Oklahoma, Mr. LAGOMARSINO, Mr. SPENCE, Mr. MOTTL, Mr. SHUSTER, Mr. YOUNG of Alaska, and Mr. LOEFFLER):

H.J. Res 14. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.J. Res 15. Joint resolution proposing an amendment to the Constitution of the United States relative to force and effect of treaties; to the Committee on the Judiciary.

H.J. Res 16. Joint resolution proposing an amendment to the Constitution of the United States relative to freedom from forced assignment to schools or jobs because of race, creed, or color; to the Committee on the Judiciary.

H.J. Res 17. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

H.J. Res. 18. Joint resolution to establish a Joint Committee on Internal Security, and for other purposes; to the Committee on Rules.

By Mr. BENNETT:

H.J. Res. 19. Joint resolution proposing an amendment to the Constitution to provide that, except in time of war or economic emergency declared by the Congress, expenditures of the Government may not exceed the revenues of the Government during any fiscal year; to the Committee on the Judiciary.

H.J. Res. 20. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President and to authorize Congress to establish procedures relating to the nomination of Presidential and Vice-Presidential candidates; to the Committee on the Judiciary.

H.J. Res. 21. Joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriations; to the Committee on the Judiciary.

H.J. Res. 22. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling attendance in schools other than the one nearest the residence and to insure equal educational opportunities for all students wherever located; to the Committee on the Judiciary.

By Mr. ROUSSELOT (for himself, Mr. MCDONALD, Mr. PAUL, Mr. ASHBROOK, and Mr. COLLINS of Texas):

H.J. Res. 23. Joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.J. Res. 24. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 25. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations shall not exceed revenues of the United States, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.J. Res. 26. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. EMERSON:

H.J. Res. 27. Joint resolution proposing an amendment to the Constitution of the

United States with respect to the right to life; to the Committee on the Judiciary.

H.J. Res. 28. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

By Mr. FUQUA:

H.J. Res. 29. Joint resolution proposing an amendment to the Constitution of the United States to establish a new procedure for the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 30. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

H.J. Res. 31. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. GUYER:

H.J. Res. 32. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 33. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. GUYER:

H.J. Res. 34. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

H.J. Res. 35. Joint resolution proposing an amendment to the Constitution of the United States for the purpose of limiting the power of Congress to tax; to the Committee on the Judiciary.

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States to provide that total taxation by the Federal Government of the people of the United States shall not exceed 15 percent of the gross national product, and to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.J. Res. 37. Joint resolution to establish a select committee for the implementation of interparliamentary relations between the legislatures of the Government of Iran and the Government of the United States; jointly to the Committees on Foreign Affairs and Rules.

H.J. Res. 38. Joint resolution proposing an amendment to the Constitution of the United States allowing the District of Columbia and the territories and possessions of the United States to have Representatives in the House of Representatives; to the Committee on the Judiciary.

H.J. Res. 39. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

H.J. Res. 40. Joint resolution proposing an amendment to the Constitution of the United States to provide that total taxation by the Federal Government of the people of the United States shall not exceed 15 percent of the gross national product, and to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on the Judiciary.

H.J. Res. 41. Joint resolution proposing an amendment to the Constitution of the United States to provide that the level of total outlays of the United States for any fiscal year shall not exceed the level of total receipts of the United States for such fiscal year and for the disposition of unanticipated deficits; to the Committee on the Judiciary.

H.J. Res. 42. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

H.J. Res. 43. Joint resolution proposing an amendment to the Constitution to protect the people of the United States against excessive governmental burdens and unsound fiscal and monetary policies by limiting total outlays of the Government; to the Committee on the Judiciary.

By Mrs. HOLT:

H.J. Res. 44. Joint resolution proposing an amendment to the Constitution of the United States for the purpose of limiting the power of Congress to tax; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution to amend the Constitution of the United States to require a balanced Federal budget; to the Committee on the Judiciary.

H.J. Res. 46. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

H.J. Res. 47. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. HORTON:

H.J. Res. 48. Joint resolution to authorize the President to issue annually a proclamation designating November 7 of each year as "National Teenager Day"; to the Committee on Post Office and Civil Service.

By Mr. HYDE:

H.J. Res. 49. Joint resolution proposing an amendment to the Constitution of the United States providing that all persons shall have the right to be free from discrimination; to the Committee on the Judiciary.

H.J. Res. 50. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right of life to the unborn; to the Committee on the Judiciary.

By Mr. JACOBS:

H.J. Res. 51. Joint resolution proposing an amendment to the Constitution of the United States to limit service by Representatives, Senators, and Federal judges; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.J. Res. 52. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. LATTA:

H.J. Res. 53. Joint resolution proposing an amendment to the Constitution to prohibit the Congress from making any law which would cause the total amount of the expenditures by the United States in any fiscal year to exceed the total amount of revenues received during that fiscal year, and which would require the Congress to provide a reasonable sum of money in each fiscal year to be applied on the repayment of the national debt; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 54. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal expenditures shall not exceed Federal revenues, except in time of war or economic necessity declared by the Congress; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. MOORHEAD:

H.J. Res. 55. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on Judiciary.

By Mr. MOTTL (for himself and Mr. BAFALIS):

H.J. Res. 56. Joint resolution proposing an amendment to the Constitution of the United States under which the courts of the United States may not assign any person to any school on the basis of race, religion, or national origin; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 57. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or threat of war as determined by the Congress; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.J. Res. 58. Joint resolution proposing an amendment to the Constitution to protect the people of the United States against excessive governmental burdens and unsound fiscal and monetary policies by limiting the total outlays of the Government; to the Committee on the Judiciary.

By Mr. ROBINSON:

H.J. Res. 59. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying back of the national debt; to the Committee on the Judiciary.

H.J. Res. 60. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

H.J. Res. 61. Joint resolution to proclaim June 4, 1981, as "Jack Jouett Day"; to the Committee on Post Office and Civil Service.

By Mr. RHODES:

H.J. Res. 62. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. ROE:

H.J. Res. 63. Joint resolution to proclaim March 20, 1981 as "National Agriculture

Day"; to the Committee on the Post Office and Civil Service.

By Mr. ROUSSELOT:

H.J. Res. 64. Joint resolution proposing an amendment to the Constitution of the United States requiring a review by the Congress of each rule and regulation issued to carry out any law and allowing the Congress to approve, modify, or disapprove such rules or regulation; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.J. Res. 65. Joint resolution proposing an amendment to the Constitution of the United States providing for staggered 4-year terms for Representatives, for a limitation on the number of terms a person may serve in the House of Representatives or the Senate, and for other purposes; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 66. Joint resolution proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues; to the Committee on the Judiciary.

H.J. Res. 67. Joint resolution proposing an amendment to the Constitution of the United States with respect to the proposal and the enactment of laws by popular vote of the people of the United States; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 68. Joint resolution designating September 5, 1981, as "Battle off the Virginia Capes Day"; to the Committee on Post Office and Civil Service.

By Mr. WYLIE:

H.J. Res. 69. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.J. Res. 70. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. NEAL (for himself and Mr. ROBERT W. DANIEL, JR.):

H. Con. Res. 1. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. ANDERSON:

H. Con. Res. 2. Concurrent resolution to express the thanks of the Congress of the United States to those persons who, during the period of October 4 through 6, 1980, directly participated in the rescuing of 510 people onboard the burning passenger vessel *Prinsendam* off the coast of Alaska; to the Committee on Merchant Marine and Fisheries.

By Mr. ANNUNZIO:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Energy and Commerce.

By Mr. ASHBROOK:

H. Con. Res. 4. Concurrent resolution to reiterate that the Congress has not delegated to the Federal Trade Commission any authority to preempt the laws of the States and their political subdivisions; to the Committee on Energy and Commerce.

H. Con. Res. 5. Concurrent resolution expressing the sense of the Congress with respect to the Baltic States; to the Committee on Foreign Affairs.

H. Con. Res. 6. Concurrent resolution to uphold the separation of powers between the executive and legislative branches of Government in the termination of treaties; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that all nuclear weapons in the world should be eliminated; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. FUQUA:

H. Con. Res. 8. Concurrent resolution to collect overdue debts; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 9. Concurrent resolution expressing the sense of the Congress that the Congress should immediately hold hearings and conduct an investigation to find facts necessary for the release of the American hostages in Iran; to the Committee on Foreign Affairs.

H. Con. Res. 10. Concurrent resolution to authorize participation in an interparliamentary meeting between delegates from the Congress of the United States and the Parliament of the Islamic Republic of Iran to discuss matters of concern to the people of both nations, including, but not limited to, the steps necessary to bring about the release of American diplomatic personnel and others detained by militant elements within the country of Iran; to the Committee on Foreign Affairs.

H. Con. Res. 11. Concurrent resolution expressing the sense of the Congress that the U.S. Postal Service should not reduce the frequency of mail delivery service; to the Committee on Post Office and Civil Service.

By Mrs. HOLT:

H. Con. Res. 12. Concurrent resolution to collect overdue debts; to the Committee on Foreign Affairs.

H. Con. Res. 13. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on the Judiciary, and Education and Labor.

By Mr. HORTON:

H. Con. Res. 14. Concurrent resolution requesting the President of the United States to seek the release of Yuriy Skukhevych; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress with respect to periods of silence (for private prayer, meditation, contemplation, or introspection) in public schools; jointly, to the Committees on Education and Labor, and the Judiciary.

H. Con. Res. 16. Concurrent resolution stating the intent of the Congress that social security benefits payable to prison inmates be surrendered to defray the current costs to the taxpayer of supporting prisoners in penal institutions as well as supporting their dependents on public assistance; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H. Con. Res. 17. Concurrent resolution declaring the sense of Congress regarding periods of silence in the public schools; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. ROE:

H. Con. Res. 18. Concurrent resolution urging a moratorium on the commercial killing of whales; to the Committee on Foreign Affairs.

H. Con. Res. 19. Concurrent resolution expressing the sense of the Congress with respect to the strategic importance of Israel to the United States; to the Committee on Foreign Affairs.

H. Con. Res. 20. Concurrent resolution urging the President to attempt to bring about the establishment of an international food cartel involving the major food-exporting countries which would use export prices for food commodities as a bargaining tool in negotiations with the Organization of Petroleum Exporting Countries for reasonable oil prices; to the Committee on Foreign Affairs.

H. Con. Res. 21. Concurrent resolution expressing the sense of the Congress that the United States should recognize Jerusalem as the capital of Israel, and that the U.S. Embassy in Israel should be relocated to Jerusalem; to the Committee on Foreign Affairs.

H. Con. Res. 22. Concurrent resolution expressing the sense of the Congress that April 22, 1981, should be celebrated as "Earth Day, 1981"; to the Committee on Post Office and Civil Service.

By Mr. APPLEGATE:

H. Res. 10. Resolution to express the sense of the House of Representatives that the United States of America should establish and actively and immediately pursue a national energy plan that emphasizes and demands the use of domestic coal as a means of displacing current foreign energy imports, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ARCHER (for himself, Mr. PETRI, Mr. COLLINS of Texas, Mr. KEMP, Mrs. HOLT, Mr. JEFFRIES, Mr. CORCORAN, Mr. HUBBARD, Mr. SOLOMON, Mr. DORNAN of California, Mr. JACOBS, Mr. EDWARDS of Oklahoma, Mr. ROBERT W. DANIEL, JR., Mr. GRAMM, Mr. WINN. Mr. ROBINSON, Mr. WHITEHURST, Mr. BURGENER, and Mr. GREGG):

H. Res. 11. Resolution expressing the sense of the House that the Congress should limit legislative branch appropriations for the 97th Congress to not more than 90 percent of such appropriations for the 96th Congress; to the Committee on House Administration.

By Mr. ASHBROOK:

H. Res. 12. Resolution providing for the impeachment of U.S. District Judge Frank J. Battisti; to the Committee on Judiciary.

By Mr. ZEFERETTI (for himself, Mr. BEARD, Mrs. COLLINS of Illinois, Mr. COUGHLIN, Mr. DE LA GARZA, Mr. ENGLISH, Mr. EVANS of Georgia, Mr. GILMAN, Mr. GUYER, Mr. NEAL, Mr. RAILSBACK, Mr. RANGEL, Mr. RODINO, Mr. DORNAN, and Mr. SCHEUER):

H. Res. 13. Resolution to establish the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

By Mr. ASHBROOK:

H. Res. 14. Resolution to amend the Rules of the House of Representatives to reestablish the Committee on Internal Security, and for other purposes; to the Committee on Rules.

By Mr. BENNETT:

H. Res. 15. Resolution authorizing the Committee on House Administration to acquire a suitable residence to be maintained as a home for pages employed by the House of Representatives; to the Committee on House Administration.

By Mr. GUYER:

H. Res. 16. Resolution to reaffirm the use of our national motto on currency; to the

Committee on Banking, Finance and Urban Affairs.

H. Res. 17. Resolution to amend the Rules of the House of Representatives to require that reports accompanying certain bills and joint resolutions reported by committees contain computations of the potential tax impact of such bills and resolutions on the individual taxpayer; to the Committee on Rules.

H. Res. 18. Resolution to amend the Rules of the House of Representatives to establish the Committee on Internal Security, and for other purposes; to the Committee on Rules.

By Mr. HANSEN of Idaho:

H. Res. 19. Resolution to amend the Rules of the House of Representatives to establish the Committee on Internal Security, and for other purposes; to the Committee on Rules.

By Mrs. HOLT:

H. Res. 20. Resolution providing for the immediate consideration of the bill—H.R. 326—to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on Rules.

By Mr. HORTON:

H. Res. 21. Resolution amending clause 7 of rule XVIII of the rules of the House; to the Committee on Rules.

By Mr. JACOBS:

H. Res. 22. Resolution establishing a committee to recommend a memorial to the late Honorable Allard K. Lowenstein; to the Committee on Rules.

By Mr. MOAKLEY (for himself and Mr. BOLAND:)

H. Res. 23. Resolution to provide for the printing as a House document of tributes made to the late former Speaker John W. McCormack on the floor of the House, and for other purposes; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

[*Omitted from the Record of January 5, 1981*]

By Mr. ANDERSON:

H.R. 661. A bill for the relief of Blanca Rosa Luna de Frei; to the Committee on the Judiciary.

H.R. 662. A bill for the relief of John S. Tichenor and Pearl G. Tichenor; to the Committee on the Judiciary.

By Mr. ASHBROOK:

H.R. 663. A bill for the relief of Sgt. Garland Conner; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 664. A bill for the relief of Earnestine Austin; to the Committee on the Judiciary.

By Mr. BOLAND:

H.R. 665. A bill for the relief of Mrs. Mae Ferris; to the Committee on the Judiciary.

By Mr. D'AMOURS:

H.R. 666. A bill for the relief of Alberto Feliciano Jentimane and Nancy Mwatindodini Jentimane, husband and wife; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 667. A bill for the relief of Clyde E. Petree; to the Committee on the Judiciary.

H.R. 668. A bill for the relief of Dean Alan Peden; to the Committee on the Judiciary.

H.R. 669. A bill for the relief of Camel Manufacturing Co.; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 670. A bill for the relief of Felipe Cabral, Lucrecia Cabral, Juan Cabral, Carlos Eduardo Cabral, Leticia Cabral, Maria de la Luz Cabral, and Maria Moreno Cabral; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 671. A bill for the relief of Louis Rizzo; to the Committee on the Judiciary.

H.R. 672. A bill for the relief of Karen Odell Donnelly; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 673. A bill for the relief of Michael D. Howard; to the Committee on the Judiciary.

H.R. 674. A bill for the relief of Marija Artis; to the Committee on the Judiciary.

H.R. 675. A bill for the relief of Archibald M. Withers; to the Committee on the Judiciary.

H.R. 676. A bill for the relief of Dr. R. E. Kalman; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.R. 677. A bill for the relief of Marcelo Enrile Inton; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 678. A bill for the relief of Walter Mario Piccirillo, Emma Piccirillo, spouse; and Mario Williams Piccirillo and Roberto Piccirillo, sons; to the Committee on the Judiciary.

H.R. 679. A bill for the relief of Amina (Mona) Abou-Bakr; to the Committee on the Judiciary.

H.R. 680. A bill for the relief of Mrs. William F. Wong; to the Committee on the Judiciary.

By Mr. HUBBARD:

H.R. 681. A bill for the relief of Dr. Jaime Bon Tiu and his wife, Eve Coo Tiu; to the Committee on the Judiciary.

H.R. 682. A bill for the relief of Emmanuel Najera Macaraeg and his wife, Aurora C. Macaraeg; to the Committee on the Judiciary.

H.R. 683. A bill for the relief of Dr. Ricardo B. Maddela and his wife, Dr. Zenaida Andaya Maddela; to the Committee on the Judiciary.

By Mr. LEHMAN:

H.R. 684. A bill for the relief of Kang Ok Boon; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 685. A bill for the relief of Antonio Lopez Rodriguez; to the Committee on the Judiciary.

H.R. 686. A bill for the relief of Ana Maria Escandell; to the Committee on the Judiciary.

H.R. 687. A bill for the relief of Norman Shubinsky; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 688. A bill for the relief of Junior Edmund Moncrieffe; to the Committee on the Judiciary.

By Mr. MONTGOMERY:

H.R. 689. A bill for the relief of Heung-Sang Chun (also known as Margret Chun); to the Committee on the Judiciary.

By Mr. NATCHER:

H.R. 690. A bill for the relief of Dr. Kok Liong Tan and his wife, Gloria Siao Tan; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 691. A bill for the relief of Dr. Bonifacio B. Aranas, Mrs. Helen Aranas, and their children, Ethel Aranas, Eileen Aranas, Bonifacio Aranas, Jr., and Lourra Aranas; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.R. 692. A bill to provide for the exchange of certain lands within Tuolumne County, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 693. A bill for the relief of Jerome J. Hartmann and Rita J. Hartmann; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 694. A bill for the relief of Virgilio C. Carandang (doctor of medicine) and Cecilia Tanedo Carandang; to the Committee on the Judiciary.

H.R. 695. A bill for the relief of Dr. Ricardo Mateo Rodriguez; to the Committee on the Judiciary.

H.R. 696. A bill for the relief of Dr. Vidal O. Simpao, Jr.; to the Committee on the Judiciary.

By Mr. WHITTAKER:

H.R. 697. A bill for the relief of Divyakant Chaturbhai Patel, his wife Shakuntala Divyakant Patel, and their children Darsika Patel and Preete Patel; to the Committee on the Judiciary.

H.R. 698. A bill for the relief of Indravadan Chaturbhai Patel, his wife Anjana Indravadan Patel, and their son Preeyesh I Patel; to the Committee on the Judiciary.

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:

[*Introduced January 6, 1981*]

By Mr. BROWN of Ohio:

H.R. 699. A bill to establish a program of Federal grants to encourage the employment and training of unemployed individuals; to the Committee on Education and Labor.

H.R. 700. A bill to establish a procedure to reduce the cost of compliance with Federal rules and regulations by requiring the adoption of the most cost-effective alternative; to the Committee on the Judiciary.

H.R. 701. A bill to reduce duplicative and conflicting Federal rules or regulations, and for other purposes; to the Committee on the Judiciary.

H.R. 702. A bill to amend the Congressional Budget Act of 1974 to limit Federal outlays, over a 4-year period, to specified percentages of the projected gross national product; to the Committee on Rules.

H.R. 703. A bill to amend the Congressional Budget Act of 1974 to require the Congress to establish, for each fiscal year, a regulatory budget for each Federal agency which sets the maximum costs of compliance with all rules and regulations promulgated by that agency, and for other purposes; to the Committee on Rules.

H.R. 704. A bill to provide that adjustments to the pay of Members of the Congress based on adjustments to rates of pay under the general schedule under title 5 of the United States Code shall not take effect without the express approval by both Houses of the Congress; to the Committee on Post Office and Civil Service.

H.R. 705. A bill to provide that adjustments to the pay of Members of the Congress shall take effect at the beginning of the Congress following the Congress in which they are approved, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 706. A bill to amend title II of the Social Security Act to provide for a phasing out of the application of the earnings test in the case of individuals age 65 or over; to the Committee on Ways and Means.

H.R. 707. A bill to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in the individual tax rates and in the amount of personal exemptions; to the Committee on Ways and Means.

H.R. 708. A bill to amend the Internal Revenue Code of 1954 to increase the amount of dividends and interest which are excluded from gross income, and for other purposes; to the Committee on Ways and Means.

H.R. 709. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of depreciation deduction with respect to any property for a taxable year shall be an amount selected by the taxpayer; to the Committee on Ways and Means.

H.R. 710. A bill to amend the Internal Revenue Code of 1954 to provide a simplified cost recovery system for recovery property; to the Committee on Ways and Means.

H.R. 711. A bill to amend the Internal Revenue Code of 1954 to provide that taxpayers may elect a 12-month amortization period—in lieu of the 60-month period—for any certified pollution control facility; to the Committee on Ways and Means.

H.R. 712. A bill to amend the Internal Revenue Code of 1954 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself and Mr. ROUSSELOT):

H.R. 713. A bill to amend the Internal Revenue Code of 1954 to provide for a 50-percent maximum rate of income tax for individuals, to provide for a separate computation of such tax on personal service income and nonpersonal service income, and for other purposes; to the Committee on Ways and Means.

By Mrs. COLLINS of Illinois:

H.R. 714. A bill to permit Federal financial assistance provided by section 8 housing to be made available in Chicago, Ill., through existing Federal programs without regard to criteria which presently prohibit the use of such assistance for such purpose; to the Committee on Banking, Finance and Urban Affairs.

H.R. 715. A bill to amend section 312 of the Housing Act of 1964 for the purpose of authorizing $245,000,000 to be appropriated under such section for rehabilitation loans for fiscal year 1982; to the Committee on Banking, Finance and Urban Affairs.

H.R. 716. A bill to protect purchasers and prospective purchasers of condominium housing units, and residents of multifamily structures being converted to condominium units, by providing for the establishment of national minimum standards for condominiums—to be administered by a newly created Assistant Secretary in the Department of Housing and Urban Development—to encourage the States to establish similar standards, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 717. A bill to amend the Truth in Lending Act to require lenders to post current interest rates charged for various categories of loans to consumers; to the Committee on Banking, Finance and Urban Affairs.

H.R. 718. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 719. A bill to provide that certain services under the Older Americans Act of 1965 be delivered by personnel trained in the field of aging and to encourage the development of training programs in the field of aging under the Higher Education Act of 1965; to the Committee on Education and Labor.

H.R. 720. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Energy and Commerce.

H.R. 721. A bill to prohibit involuntary terminations by electric and natural gas utilities of service for residential heating and other residential purposes between October 15 of each year and April 14 of the following year and in cases in which such terminations present special dangers to health, and for other purposes; to the Committee on Energy and Commerce.

H.R. 722. A bill to prohibit the export of certain militarily significant items to the Republic of South Africa and to provide for notification to the Congress of the proposed issuance of a validated license for an export to the Republic of South Africa, with each House of Congress being able to prevent the issuance of any such license by adoption of a resolution of disapproval; to the Committee on Foreign Affairs.

H.R. 723. A bill to amend title 18 of the United States Code to provide penalties for assaults against the elderly that result in medical expenses paid by the United States; to the Committee on the Judiciary.

H.R. 724. A bill to amend the Immigration and Nationality Act to require that any alien who has been detained for further inquiry or who has been temporarily excluded shall have the right to be represented by counsel from the time of such detention or exclusion; and for other purposes; to the Committee on the Judiciary.

H.R. 725. A bill to amend title 5, United States Code, to require certain Federal agencies to provide to certain employees notice of procedures through which such employees may challenge actions taken against them by such agencies; to the Committee on Post Office and Civil Service.

H.R. 726. A bill to amend chapter 4 of title 23, United States Code, to authorize the Secretary of Transportation to make incentive grants to any State which uses certain information relating to auto safety devices in its procedure for the issuance of motor vehicle operating permits; to the Committee on Public Works and Transportation.

H.R. 727. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption for certain elderly individuals whose spouses have died; to the Committee on Ways and Means.

H.R. 728. A bill to amend part A of title XVIII of the Social Security Act to provide emergency assistance to medicare-participating hospitals to enable them to continue to provide vital medical and other health services; to the Committee on Ways and Means.

H.R. 729. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare communities of the Nation which meet certain economic and employment criteria to be economic disaster communities, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Banking, Finance and Urban Affairs.

H.R. 730. A bill to provide payment for dental services under part B of the medicare program; jointly, to the Committees on Ways and Means, and Energy and Commerce.

H.R. 731. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of medicare for routine Papanicolaou tests for the diagnosis of uterine cancer; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. COLLINS of Texas:

H.R. 732. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to certain reporting and disclosure requirements; to the Committee on Education and Labor.

H.R. 733. A bill providing for the conversion of the U.S. Postal Service into a privately owned and operated entity; to the Committee on Post Office and Civil Service.

H.R. 734. A bill to reduce the number of individuals employed by the Federal Government in executive agencies in or near the District of Columbia; to the Committee on Post Office and Civil Service.

H.R. 735. A bill to establish a 10-year moratorium on the construction, alteration, acquisition, or leasing of certain buildings for use by Federal agencies in the Greater Washington area; to the Committee on Public Works and Transportation.

H.R. 736. A bill to amend the Congressional Budget Act of 1974 to assure a balanced budget by requiring that Federal expenditures be limited to Federal revenues under the congressional budget process; to the Committee on Rules.

H.R. 737. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

H.R. 738. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States; to the Committee on Ways and Means.

H.R. 739. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

H.R. 740. A bill to provide that Federal taxes may not be increased during a 4-year period; to the Committee on Ways and Means.

H.R. 741. A bill to prohibit permanently the issuance of regulations on the taxation of fringe benefits; to the Committee on Ways and Means.

H.R. 742. A bill to prescribe the conditions with respect to affirmative action programs required of Federal grantees and contractors in complying with nondiscrimination programs, to prescribe the necessary requirements for a finding of discrimination in certain actions brought on the basis of discrimination in employment and to prescribe reasonable limits on the collection of

data relating to race, color, religion, sex, or national origin, and for other purposes; jointly, to the Committees on the Judiciary, and Education and Labor.

By Mr. CONABLE:

H.R. 743. A bill to reinstate the tax treatment with respect to annuity contracts with reserves based on a segregated asset account as they existed prior to issuance of revenue ruling 77-85; to the Committee on Ways and Means.

By Mr. D'AMOURS:

H.R. 744. A bill to prohibit any State from imposing a tax on the income derived by any individual from services in the Federal area within such State if such individual is not a resident or domiciliary of such State; to the Committee on the Judiciary.

By Mr. DAN DANIEL:

H.R. 745. A bill to amend title 10, United States Code, to establish a policy for improved and more flexible contracting procedures for the Department of Defense, to allow the Department of Defense to use multiyear procurement contracts under less restrictive conditions, and for other purposes; to the Committee on Armed Services.

By Mr. DANIELSON:

H.R. 746. A bill to amend the Administrative Procedure Act to make regulations more cost effective, to insure periodic review of old rules, to improve regulatory planning and management, to eliminate needless formality and delay, to enhance public participation in the regulatory process, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 747. A bill to amend title 38, United States Code, to extend the period of Vietnam era veterans' eligibility for readjustment counseling and related mental health services; to the Committee on Veterans' Affairs.

HR. 748. A bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 749. A bill to amend title 5 of the United States Code to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts of the United States; jointly, to the Committees on the Judiciary, and Government Operations.

By Mr. FINDLEY (for himself, Mr. HORTON, Mr. LAGOMARSINO, Mr. PRICE, and Mr. LONG of Maryland):

H.R. 750. A bill to create a body corporate known as Daughters of Union Veterans of the Civil War; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 751. A bill to terminate the granting of construction licenses of nuclear fission powerplants in the United States pending action by the Congress following a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technology Assessment, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Foreign Affairs.

By Mr. GONZALEZ:

H.R. 752. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives to encourage the building and rehabilitation of rental housing and low-income housing; to the Committee on Ways and Means.

H.R. 753. A bill to improve the physical security features of the motor vehicle and its parts, increase the criminal penalties of persons trafficking in stolen motor vehicles and parts, and to curtail the exportation of stolen motor vehicles and for other purposes; jointly, to the Committees on Energy and Commerce, the Judiciary, and Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 754. A bill to amend title 28 of the United States Code to provide for special venue provisions in cases relating to the environment; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 755. A bill to provide financial assistance for school construction to local educational agencies educating large numbers of immigrant children born in Mexico; jointly, to the Committees on Public Works and Transportation, and Education and Labor.

By Mr. KILDEE (for himself and Mr. BONER of Tennessee):

H.R. 756. A bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. GIBBONS, and Mr. BONER of Tennessee):

H.R. 757. A bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVITAS:

H.R. 758. A bill to amend title 18, United States Code, to further restrict the interception of certain wire or oral communications; to the Committee on the Judiciary.

H.R. 759. A bill to provide for a study of the problems of allocating the use of airport facilities; to the Committee on Public Works and Transportation.

By Mr. LEWIS:

H.R. 760. A bill to amend title II of the Social Security Act to make it clear that social security benefits are and will continue to be exempt from all taxation; to the Committee on Ways and Means.

By Mr. McDONALD:

H.R. 761. A bill to insure the equal protection of the laws and to protect the liberty of citizens as guaranteed by the 14th amendment, by eliminating Federal court jurisdiction over forced school attendance; to the Committee on the Judiciary.

H.R. 762. A bill to prohibit the removal before January 1, 1982, of houseboats or floating cabins from water resource areas under the jurisdiction of the Corps of Engineers; to the Committee on Public Works and Transportation.

By Mr. MARLENEE:

H.R. 763. A bill to amend the Clean Air Act to permit a State legislature to contest the redesignation under such act of an area within such State by an Indian tribe, and for other purposes; to the Committee on Energy and Commerce.

H.R. 764. A bill to amend the Solid Waste Disposal Act to exempt rural communities from the prohibition on open dumping of solid waste; to the Committee on Energy and Commerce.

H.R. 765. A bill to convey certain lands and to remove certain restrictions from certain previous conveyances of lands in Custer County, Mont.; to the Committee on Interior and Insular Affairs.

H.R. 766. A bill to exempt limited amounts of oil production by independent producers from the windfall profit tax and for other purposes; to the Committee on Ways and Means.

By Ms. MIKULSKI:

H.R. 767. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for individuals who perform voluntary services for certain public service organizations; to the Committee on Ways and Means.

H.R. 768. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Ways and Means.

By Ms. OAKAR (for herself and Mr. PEPPER):

H.R. 769. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Center on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. PANETTA (for himself and Mr. CLAUSEN):

H.R. 770. A bill to amend section 302(a) of the Fishery Conservation and Management Act of 1976 to create a new California Pacific Council with authority over the fisheries in the Pacific Ocean seaward of the State of California; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 771. A bill to create a commission to grant exclusive franchises for the exploration for and the commercial development of geothermal energy and for the right to market any such energy in its natural state, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. REGULA (for himself and Mr. SEIBERLING):

H.R. 772. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 773. A bill to amend the Federal Reserve Act to eliminate the Federal Open Market Committee and vest its powers in the Board of Governors of the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STUDDS:

H.R. 774. A bill to amend the Uniform Time Act of 1966 to extend the period of daylight savings time in each year, and for other purposes; to the Committee on Energy and Commerce.

H.R. 775. A bill to require that State elections, within the same region of the United States, for delegates to national Presidential nominating conventions be held on the same date, and for other purposes; to the Committee on House Administration.

By Mr. TRAXLER:

H.R. 776. A bill to provide for the issuance of a postage stamp to commemorate the 150th anniversary of the birth of Dr. Samuel A. Mudd; to the Committee on Post Office and Civil Service.

By Mr. WATKINS:

H.R. 777. A bill to change the name of Clayton Lake which is an element of the flood control project for the Clayton and Tuskahoma Reservoirs, Kiamichi River, Oklahoma, to Sardis Lake; to the Committee on Public Works and Transportation.

By Mr. WINN:

H.R. 778. A bill to amend title 28 of the United States Code to provide that the clerk of each U.S. district court and U.S. bankruptcy court shall reside in the district for which he is appointed, or within 20 miles of his official station; to the Committee on the Judiciary.

By Mr. WRIGHT (for himself and Mr. STENHOLM):

H.R. 779. A bill to authorize the Secretary of the Army to contract with the Tarrant County Water Control and Improvement District No. 1 and the city of Weatherford, Tex., for the use of water supply storage in Benbrook Lake, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ZEFERETTI:

H.R. 780. A bill to amend the Congressional Budget Act to require the Congressional Budget Office, for every significant bill or resolution reported in the House or Senate, to prepare and submit an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution; to the Committee on Rules.

By Mr. ANDERSON:

H.J. Res. 71. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself, Mr. DANIEL B. CRANE, Mr. FARY, Mr. GOLDWATER, Mr. RUDD, Mr. RHODES, and Mr. HAMMERSCHMIDT):

H.J. Res. 72. Joint resolution to designate the week commencing with the third Monday in February of 1982 as "National Patriotism Week"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS of Illinois:

H.J. Res. 73. Joint resolution to provide for the designation of August 31, 1981, as "Working Mothers' Day"; to the Committee on Post Office and Civil Service.

H.J. Res. 74. Joint resolution to provide for the designation of September as "National Sickle Cell Month" to the Committee on Post Office and Civil Service.

By Mr. COLLINS of Texas:

H.J. Res. 75. Joint resolution proposing an amendment to the Constitution of the United States to provide for a single 6-year term of office for the President, Vice President, and Senators, and for other purposes; to the Committee on the Judiciary.

By Mr. KAZEN:

H.J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying of the national debt; to the Committee on the Judiciary.

By Mr. STUDDS:

H.J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States to provide for single 6-year terms for the President and Vice President, and to repeal the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. STUDDS:

H.J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States to limit to 18 the number of years Senators and Representatives may serve; to the Committee on the Judiciary.

H.J. Res. 79. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BROOKS:

H.J. Res. 80. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. COLLINS of Texas:

H. Con. Res. 23. Concurrent resolution expressing the sense of Congress with regard to compliance with laws relating to equal employment opportunity in the competitive service of the Federal civil service; to the Committee on Post Office and Civil Service.

By Mr. WINN:

H. Con. Res. 24. Concurrent resolution expressing the sense of the Congress with respect to the International Year of Disabled Persons; to the Committee on Foreign Affairs.

By Mr. EDWARDS of California:

H. Res. 24. Resolution expressing the sense of the House that the Board of Governors of the Federal Reserve System should immediately take steps to reduce interest rates; to the Committee on Banking, Finance and Urban Affairs.

By Mr. COLLINS of Texas:

H. Res. 25. Resolution to provide for a 50-percent reduction of the amount of funds available to, of the number of individuals employed as staff for, and of the amount of office space and number of telephone lines available for use by, any committee of the House of Representatives during the 98th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

[*Introduced January 6, 1981*]

By Mr. FROST:

H.R. 781. A bill for the relief of Bishop College; to the Committee on the Judiciary.

By Mr. HUBBARD:

H.R. 782. A bill for the relief of Dr. Javad Najafi Sani, his wife, Parvin Nahvi, and their children, Roya N. Sani and Farhad N. Sani; to the Committee on the Judiciary.

By Mr. KAZEN:

H.R. 783. A bill for the relief of Roland Karl Heinz Vogel; to the Committee on the Judiciary.

By Ms. MIKULSKI (by request):

H.R. 784. A bill for the relief of Mirza Arqueta, Griselda Arqueta, Brenda Arqueta, and Clarisa Arqueta; to the Committee on the Judiciary.

By Ms. MIKULSKI:

H.R. 785. A bill for the relief of James McColvin; to the Committee on the Judiciary.

By Ms. MIKULSKI (by request):

H.R. 786. A bill for the relief of Lagrimas Martinez and Ruiz Martinez; to the Committee on the Judiciary.

By Ms. MIKULSKI:

H.R. 787. A bill for the relief of Zeinalabedin A. Namini, his wife Nourani Namini, and their children Ramin Namini and Mahnaz Namini; to the Committee on the Judiciary.

H.R. 788. A bill for the relief of Michael Whitlock; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

KENNAN ON THE UNITED STATES AND RUSSIA

HON. GERRY E. STUDDS
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. STUDDS. Mr. Speaker, George Kennan has for more than three decades been one of America's most eloquent and farseeing experts on relations between our Nation and the Soviet Union. In a recent speech delivered in West Germany, Mr. Kennan spoke brilliantly about the almost irresistible but thoroughly irrational forces which are fueling the arms race between the superpowers at this time. His comments are logical, his thesis chilling, and I commend his words to the attention of my colleagues:

THE MOMENT A CRUCIAL ONE—A PLEA TO REPLACE ARMS WITH REASON

(By George F. Kennan)

When I glance back over these past 50 years, it seems evident that the East-West relationship has been burdened at all times by certain unique factors which lie in the very nature of the respective societies—factors, that is, that do not reflect just the policies of any given government at any given moment but rather deeply rooted, habitual and in part subconscious reactions of the respective political establishments.

I have no doubt that there are a number of habits, customs and uniformities of behavior, all deeply ingrained in the American tradition, which impede, for others, the conduct of relations with the Amerian government.

There is, for example, the extensive fragmentation of authority throughout our governmental system—a fragmentation which often makes it hard for the foreign representative to know who speaks for the American government as a whole and with whom it might be useful for him to speak. There is the absence of any collective Cabinet responsibility or indeed of any system of mutual responsibility between the executive and legislative branches of government.

When we look at the Soviet regime, we also encounter a whole series of customs and habits, equally deeply rooted historically, which also weighs heavily on the external relationships of that regime.

These, strangely enough, seem to have been inherited much less from the models of the recent Petersburg epoch than from those of the earlier Grandy Duchy of Muscovy. And they have found a remarkable reinforcement in the established traditions of Leninist Marxism itself: in its high sense of orthodoxy, its intolerance for contrary opinion, its tendency to identify ideological dissent with moral perversity, its ingrained distrust of the heretical outsider.

These then, in both cases, are what I might call the permanent complications of the East-West relationship. They place limitations on the type of peaceful coexistence that can prevail between the two worlds. Unfortunately, they have not been the only major complications to which the relationship has been subject. There have been others, less permanent, but even more serious; and it is to these that we must now turn.

The first of these and the one that marked the relationship throughout much of the 1920s and 1930s was the world-revolutionary commitment of the early Leninist regime, with its accompanying expression in rhetoric and activity.

It is true, of course, that the period of the intensive pursuit of world-revolutionary undertakings was brief. As early as 1921, aims of this nature were already ceasing to enjoy the highest priority in the policies of the Kremlin.

Their place was being taken by considerations of the self-preservation of the regime and of the agricultural and industrial development of the USSR. But the world-revolutionary rhetoric remained substantially unchanged throughout the remaining years of the 1920s and much of the 1930s; and Moscow continued throughout that period to maintain in the various Western countries small factions of local communist followers over whom it exerted the strictest discipline, whom it endeavored to use as instruments for the explication and pursuit of its own policies and whose unquestioning, loyalty it demanded even when this conflicted with any conceivable loyalty to their own governments.

So unusual were these practices, so unprecedented in modern usage and so disturbing to Western governments and publics, that they formed, the main cause for the high degree of tension and uncertainty then prevailing in the relations between Russia and the West.

The Americans, unable to accommodate themselves to the recognition that their great country was no longer defensible, threw themselves headlong into the nuclear arms race. In the U-2 episode and the Cuban missile crisis, the two great nuclear powers traded fateful mistakes further confirming each other in the conviction that in armed force, and in armed force alone, lay their only hopes of salvation.

And out of all these ingredients, including some of more recent origin, there was brewed that immensely disturbing and tragic situation in which we find ourselves today: this anxious competition in the development of new armaments; this blind dehumanization of the prospective adversary; this systematic distortion of that adversary's motivation and intentions; this steady displacement of political considerations by military ones in the calculations of statesmanship; in short, this dreadful militarization of the entire East-West relationship.

There are certain specific features of this moral and political cul-de-sac I have just described which warrant our attention.

First, it represents a basic change, as compared with the first two decades of Soviet power, in the source of East-West tensions. Gone, or largely gone, is the world-revolutionary fervor that marked the early stages of Soviet power. Gone, too, are the anxieties that fervor provoked in Western circles.

The Soviet Union is still seen as a menace, yes—but primarily as an aggressive military menace. It is not the capacity of the Kremlin for promoting social revolution in other countries that is feared and resented. Even the Soviet efforts to gain influence in the Third World are viewed primarily not from the standpoint of their possible effects on social revolution as such but from the standpoint of their effects on the world balance of military power.

Secondly, I would point out that this whole great militarization of concept about the Cold War is largely unnecessary. There is no rational reason for it. Neither side wants a third world war. Neither side sees in such a war a promising means of advancing its interests.

The West has no intention of attacking the Soviet Union. The Soviet leadership, I am satisfied, has no intention, and has never had any intention, of attacking Western Europe.

The interests of the two sides conflict, to be sure, at a number of points. Experience has proven, most unfortunately, that in smaller and more remote conflicts, where the stakes are less than total, armed force on a limited scale might still continue to play a certain role, whether we like it or not. This possibility cannot, in any case, be excluded.

The United States has used its armed forces in this manner three times since World War II: in Lebanon, in Santo Domingo and in Vietnam. The Soviet Union now does likewise in Afghanistan.

Thirdly, while this militarization of concept and behavior is thus devoid of rational basis, it is a phenomenon of the greatest conceivable seriousness and dangerousness. It is dangerous precisely because it needs no rational basis—because it feeds upon itself and provides its own momentum.

No one will understand the danger we are all in today unless he recognizes that governments in this modern world have not yet learned to cope with the compulsions that arise for them not just from an adversary's cultivation of armed force on a major scale but from their own as well.

Peoples and governments of this present age have not yet learned how to create and cultivate great military establishments, and particularly those which include weapons of mass destruction, without becoming the servants rather than the masters of that which they have created, and without resigning themselves helplessly to the compulsive forces they have thus unleashed.

The historical research with which I have recently been occupied has carried me back to the diplomacy of the European powers of a century ago; and I find these truths clearly evidenced in the record of those times, even though the terribleness of the weapons then at the disposal of great governments did not approach what we know today.

I find instances there of great powers which had no seriously conflicting interests at all—no conflicts of interest, that is, which could remotely have justified the sacrifices and miseries of a war. Yet they, too, were carried helpless along into the catastrophe of the first world war; and the force that carried them in that direction was simply the momentum of the weapons race in which they were then involved.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

This not only can happen again, it is happening.

We are all being carried along at this very moment toward a new military conflict—a conflict which could not conceivably end, for any of the parties, in anything less than disaster.

It is sobering to remember that modern history offers no example of the cultivation by rival powers of armed force on a massive scale which did not in the end lead to an outbreak of hostilities. And there is no reason to believe that our measure of control over the fateful process is any greater than that of the powers that have been caught up in it in the past.

We are not greater, or wiser, than our ancestors. It would take a measure of insight—of understanding, of restraint, of willingness to accept the minor risks in order to avoid the supreme ones—it would take a measure of these qualities greater than anything yet visible on either side to permit us to release ourselves from this terrible convulsion and to save ourselves, and others, from the catastrophe to which it is leading.

One is obliged to doubt that there could be any voice from within the societies of the two superpowers strong enough to bring about this act of self-emancipation, on which the future of civilization itself may depend. It would take a very strong voice, indeed a powerful chorus of voices, from the outside, to say to the decision makers of the two superpowers what should be said to them:

"For the love of God, of your children, and of the civilization to which you belong, cease this madness. You have a duty not just to the generation of the present—you have a duty to civilization's past, which you threaten to render meaningless, and to its future, which you threaten to render nonexistent. You are mortal men. You are capable of error. You have no right to hold in your hands—there is no one wise enough and strong enough to hold in his hands—destructive powers sufficient to put an end to civilized life on a great portion of our planet. No one should wish to hold such powers. Thrust them from you. The risks you might thereby assume are not greater—could not be greater—than those which you are now incurring for us all."

This, I repeat, is what should be said to those who pursue the nuclear weapons race. But where is the voice powerful enough to say it?

There is a very special tragedy in this weapons race. It is tragic because it created the illusion of a total conflict of interest between the two societies; and it does this at a time when their problems are in large measure really common ones.

It tends to conceal the fact that both of these societies are today confronted with new internal problems which were never envisaged in either of the ideologies that originally divided them—problems that supersede the essentially 19th-century conditions to which both of these ideologies, and Marxism in particular, were addressed.

In part I am referring to the environmental problems with which we are now all familiar; the question as to whether great industrial societies can learn to exist without polluting, exhausting, and thus destroying the natural resources essential to their very existence.

But beyond that, there are deeper problems—social and even moral and spiritual—which are coming increasingly to affect all the highly industrialized, urbanized and technologically advanced societies of this modern age. What is involved here is essentially the question as to how life is to be given an adequate meaning, how the quality of life and experience is to be assured, for the individual citizen in the highly artificial and overcomplicated social environment that modern technology has created.

The present moment is in many respects a crucial one. Not for 30 years has the political tension reached so high and dangerous a point as it has today. Not in all this time has there been so high a degree of misunderstanding, of suspicion, of bewilderment, and of sheer military fear.

We must expect that in both the Soviet Union and the United States the coming months will see extensive changes in governmental leadership. Will the new leaders be able to reverse these trends?

It will not be too late for them to make the effort to do so.

Two things, as I see it, would be necessary.

First, of course, would be the overcoming of the military fixations that now command in so high degree the reactions on both sides.

What is urgently needed is that statesmen on both sides of the line should take their military establishments in hand and insist that these should become the servants, not the masters and determinants, of political action.

On both sides, one must learn to accept the fact there is no security to be found in the quest for military superiority—that only in the reduction, not the multiplication, of the existing monstrous arsenals can the true security of any nation be found.

But beyond this, when it comes to the more normal and permanent problems of foreign policy, both of the superpowers could serve the cause of peace by developing a bit more humility in their view of themselves and of their relationship to their world environment, particularly the Third World.

Both could take better account of the bitterness of their own domestic problems, and of the need for overcoming some of these problems before indulging themselves in dreams of external grandeur and world leadership.●

BIAGGI INVITES MEMBERS TO JOIN AD HOC CONGRESSIONAL COMMITTEE FOR IRISH AFFAIRS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. BIAGGI. Mr. Speaker, as we begin the 97th Congress, I wish to take this occasion to invite all Members to join the ad hoc Congressional Committee for Irish Affairs.

The committee was established on September 27, 1977, following a direct request by the then-president of the Ancient Order of Hibernians, Jack Keane. The AOH, the oldest and largest of Irish-American organizations, asked me to create and chair the committee because of my longstanding concern about peace and justice in the North.

In the 96th Congress, our membership was comprised of 132 Members of both parties. In our history, we have sought to focus new attention on the overall Irish question. We feel we have succeeded in raising the issue from relative obscurity to one which commands national and international attention.

Our main objectives revolve around trying to make a positive contribution to the process which will lead to peace, justice, and human rights for Ireland. We do not seek to propose or impose any solutions upon the people of Ireland, but neither do we want to permit the perpetuation of a political vacuum which prohibits movement toward peace.

The ad hoc committee, in the strongest possible terms, condemns the use of violence. We deplore all civilian and official violence. Our members have been critical of both forms. The ad hoc committee seeks a restoration of all human rights for the people of Ireland and is strongly opposed to any U.S. assistance being provided which can restrict human rights. In July 1979, our committee spearheaded the effort which led to an August 1979 decision by the Department of State to suspend all future U.S. arms shipments to the Royal Ulster Constabulary, the main police force of Northern Ireland. Our effort was a result of a January 1979 sale of 3,500 rifles to the RUC which was approved by the Department of State. This sale was agreed to despite the fact that the RUC had been cited on repeated occasions for human rights violations. This suspension is now entering its 17th month and we will closely monitor developments with the new administration to insure it is honored until such time as an overall review is completed and reforms are implemented by the British Government.

The ad hoc committee enjoys the active support of leading Irish-American organizations including the Ancient Order of Hibernians and the Irish National Caucus. I urge Members to join this important organization and thus demonstrate your commitment to the cause of peace in Northern Ireland.●

REINTRODUCING THE MOTOR VEHICLE THEFT PREVENTION ACT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. GONZALEZ. Mr. Speaker, I am reintroducing a bill that is vitally needed to help decrease the enormous number of auto thefts in our Nation each year. This bill, known as the Motor Vehicle Theft Prevention Act of 1981 was reported out of the Com-

merce Committee late in the last Congress and unfortunately was unable to be considered in the House before the 96th Congress adjourned. However, I am hopeful that this measure can receive action early in this session.

In my hometown of San Antonio there are about 3,700 vehicles stolen each year, and the number nationwide is close to 1 million. In terms of dollar figures the loss to the victimized owners and taxpayers amount to $4 billion a year. These figures indicate that while some of the thievery is done by joyriding teenagers a large portion of auto theft is done by an organized business run by professionals.

I believe that my bill is one of the answers to the auto theft problem because it would require better identification of vehicle parts and a vast number of vehicles are stolen for parts. This is why the recovery rate for stolen vehicles is so poor; there is usually nothing left to recover.

At the present time vehicle identification numbers are attached only to engines and transmissions. Professional thieves normally junk these parts because they can be traced and they deal in parts which cannot be identified such as doors, hoods, fenders, frames, trunk lids, and deck lids.

The bill I am proposing also makes it a crime to remove, alter, or obliterate a marked part, sets up new penalties for trafficking in stolen vehicles and parts, and makes auto theft rings subject to the Federal racketeering laws.

At the present time there is no Federal law that prohibits the export of stolen vehicles or parts. My bill makes this act a Federal offense. Because of the location of San Antonio this is a very important feature as the number of stolen vehicles that end up across the border is large and growing. My bill would give the Federal authorities the power that they need to investigate and take action against the professional thieves who are finding a market for these stolen autos and parts in Mexico.

It is important to remember that auto theft ends up costing everyone, not just the victim. The ever-increasing trend in professional auto theft has led to higher insurance premiums for many, especially for those who live in high auto theft areas.

I believe that my bill is a big step in the direction of reducing auto theft in our Nation and I urge the Members to support my efforts in this regard.●

LET'S LAY DOWN LAW TO SOVIETS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. MICHEL. Mr. Speaker, it would seem apparent that we are going to see a change of attitude on the part of our Government toward the Soviet Union approximately 30 seconds after President-elect Reagan takes the oath of office. I recently came across some very interesting and, for the most part, useful, suggestions as to how we might approach the Soviet Union from now on. I want to bring these suggestions to your attention, so at this time I insert in the RECORD, "Let's Lay Down Law to Soviets" by Richard F. Staar, a senior fellow of the Hoover Institution at Stanford University, printed in the Chicago Tribune, January 3, 1981.

LET'S LAY DOWN LAW TO SOVIETS

Relations with the Soviet Union during the 1980s should be predicated on the clear understanding that Soviet leaders will continue to differ considerably in attitude from their American counterparts. Subterfuge, dissembling, and outright dishonesty are deeply imbedded in the psychological makeup of Soviet leaders, whose conspiratorial mentality was molded by the Bolshevik Revolution, Leninist new-Machiavellianism, Stalinist terror, and the unedifying politics of the totalitarian state. They cannot be explained away in terms of Soviet suspicions or fear of declining U.S. strategic power. They obviously color perceptions vis-a-vis any country not under U.S.S.R. control.

The struggle for power that will follow the late President Leonid Brezhnev's disappearance from the scene may also involve an extended period of disorientation in Moscow. This opportunity could be exploited by a strong American President who has studied past relations with the U.S.S.R. and decided to place them on a genuine quid pro quo basis. It is futile to hope that a new generation of Soviet leaders will voluntarily change course since the present one has proven so successful in dealings with the United States. The following are suggested as possible courses of action:

Without waiting for a policy change that cannot possibly occur in the Soviet Union, unless incentive exists, the new administration in Washington should establish a small group of experts to analyze Soviet propaganda activities, not only to monitor Russian-language publications and broadcasts over Radio Moscow but to refute them systematically and persistently.

Espionage capability can be reduced by limiting personnel at the Soviet Embassy and consulates in the U.S. (350 plus 550 at the United Nations) to the same number of American diplomatic personnel stationed in the Soviet Union (153). Furthermore, if a Soviet citizen is caught in activities not compatible with his or her status, reciprocal expulsion should not be accepted and no replacement should be allowed to enter this country.

The U.S. would strengthen its position by requiring the Soviet Union to balance its accounts periodically and make up the deficit by supplying this country with strategic raw materials needed here.

If an American citizen is roughed up, interrogated by the secret police, and convicted on the basis of falsified evidence, the Soviet ambassador in Washington should be informed that he will be expelled and his counterpart in Moscow recalled if such harassment is not stopped immediately. Accreditation of Soviet journalists should be revoked when their counterparts are harassed by KGB agents.

No future SALT agreement may be preferable to having one that shackles the U.S. and accepts Russian promises on faith alone. The same reasoning is applicable to talks on force reductions between NATO and the Warsaw Pact. Tough Soviet bargaining must be countered by equal firmness.

The U.S. must project itself to the Third World as a revolutionary system that has brought prosperity to the American working class, where skilled laborers often earn more money than professors and where human rights are strongly upheld by press and courts. The corollary would be a campaign that will expose false Soviet propaganda concerning America and tell the truth about Soviet colonialism in central Asia and Eastern Europe through such forums as the UN and the U.S. International Communications Agency externally, as well as through the mass media internally.

Special emphasis should be placed on a broad campaign in support of generally accepted human rights. Based upon the 1948 Universal Declaration of Human Rights convention and the 1975 Final Act at Helsinki, violations of specific provisions should be called to the attention of world public opinion.

More care should be taken that all exchange programs are reciprocal and not largely channels for transmission of technical information. Soviet scholars should not be permitted to travel all over the U.S. while Americans are restricted largely to a few cities in the U.S.S.R.

Finally, the U.S. has a weapon that is probably more powerful than oil; huge agricultural surpluses. During fiscal year 1980–1981, these will include 110 million metric tons of grain alone sold to other countries. The U.S. government could purchase all such crops for export and establish a "grain board" on which American farmers would be represented. Free market proponents may oppose such an agreement, but there is no better way for it to be used than as a humanitarian instrument to alleviate famine in the Third World.●

INCREASING MEMBERS' ACCOUNTABILITY IN RECEIVING PAY HIKES

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. BROWN of Ohio. Mr. Speaker, today I have introduced two bills designed to increase the accountability of Members of Congress in voting themselves pay increases.

The first bill provides that any increase in the rate of pay for Members of Congress shall not take effect earlier than the beginning of the next Congress. This assures that each Member of this body will have to stand before their constituents for reelection before a scheduled salary increase can take effect and is similar to the law governing pay raises for the Ohio General Assembly—as well as 36 other State legislatures.

However, unlike Ohio law, this legislation uses the same definition for the start of a new Congress as the definition of election day. This prevents the possibility of Congress reconvening in a lame duck session to vote itself a pay raise in the next Congress.

Retired Congressman Charles Whalen along with 176 cosponsors introduced a measure very similar to this during the 95th Congress and that bill was reported by the Post Office and Civil Service Committee. However, as those of us who were Members of the House at that time will recall, the measure failed under suspension of the rules amidst confusion over a provision added to the bill in committee. This provision barred in the future any amendments to House budget or appropriations bills which would directly or indirectly prevent the payment of increases in pay raises for Members of Congress. This was widely interpreted as a move to bar votes killing future automatic cost-of-living increases. It also presented procedural problems for the future because it put an unprecedented stipulation upon the appropriations process. My bill does not include this provision.

However, my second bill deals with this problem in that it amends the present procedure through which Congress receives its annual, Presidentially recommended cost-of-living increase.

At present, unless Congress introduces and approves a disapproval resolution of an annual cost-of-living raise, the increase automatically takes effect 60 days after the President presents his recommendations to Congress. My bill requires Congress to express its approval of the recommendation in order to receive it. This bill will bring the automatic cost-of-living increase out of the closet and put it before the scrutiny of the American public, where it belongs.

If the Democratic leadership refuses to let this legislation see the light of day, it will be a clear indication that their intention is to force the brunt of the burden of our spiraling inflation onto the American public, rather than share in the sacrifices their free-wheeling spending practices have forced upon all other Americans.●

BIAGGI SPONSORS WELFARE REFORM LEGISLATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. BIAGGI. Mr. Speaker, on the first day of the 97th Congress I introduced legislation to provide for meaningful welfare reform for State and local governments. I introduce this bill today as a reflection of the high priority I give to its passage.

Central to this legislation are its provisions increasing the Federal reimbursement of State and local expenditures for benefits under the aid to families with dependent children (AFDC) and medicaid programs from the current 50 percent to 75 percent in fiscal year 1982, 80 percent in fiscal year 1983, 85 percent in fiscal year 1984, and 90 percent for fiscal year 1985 and beyond.

In addition under my legislation, which I might point out is identical to legislation offered in the 96th Congress by the distinguished Senator from my home State of New York, Mr. MOYNIHAN, in those States where cities, counties or local governments share in the cost of AFDC and/or medicaid the State is required to pass-through the additional Federal funding to the localities to the extent necessary to eliminate the entire local share. The remainder of the additional Federal funding is retained by the States which may use it for increased benefits or expanded medicaid coverage or fiscal relief.

This legislation could prove to be medicine to restore the fiscal health of areas in this Nation such as my home city of New York. New York City has an onerous burden caused by the ever increasing costs associated with the AFDC and medicaid program.

If we are truly committed to the dual goals of providing long-overdue fiscal relief to beleaguered State and local governments and also to provide the mechanism to provide long-needed benefit increases for our neediest citizens—we must commit ourselves to passage of my bill. I am beginning the process today with the introduction of the legislation and I pledge to work diligently throughout this Congress on behalf of its passage.●

PRIVACY LAWS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. LAGOMARSINO. Mr. Speaker, several years ago we passed a law protecting individuals against unnecessary violations of privacy. The right to privacy is a valued right in our society, and distinguishes us from many other, more authoritarian societies. Unfortunately, this law is being interpreted in some instances in ways that affect other rights, particularly the right of persons to be protected from violence and crime.

A recent Los Angeles Times editorial addresses this problem in eloquent fashion, citing instances where the law is being used to protect criminals and criminal activity at the expense of innocent victims. I commend this editorial to my colleagues and include the text of the editorial in the RECORD:

[From the Los Angeles Times, Dec. 22, 1980]

PERVERSION OF PRINCIPLE

Individual privacy is a fundamental value in a civilized society, and must be protected from unjustified encroachment by government or intrusion from any other quarter.

But that principle has been perverted in recent years into a screen imposed between the public and the operation of the criminal-justice system.

Only this month, when reporters sought to obtain the criminal-arrest record of the man accused of the murder of Dr. Michael J. Halberstam, officials of the Federal Bureau of Investigation refused to release the information. Such disclosure, they said, would intrude on the privacy of the suspect. Subsequently it was revealed that he was an escaped felon who had been sentenced to prison four times and arrested at least 25 times.

This absurdity is only one of many inimical results of laws in many states, including California, that restrict access by the public and news organizations to records of arrests, indictments, trials, acquittals, convictions and sentences.

After an employee of a mental institution in Texas last month was accused of raping a patient, it was discovered that he previously had been convicted of rape. Texas law denied the hospital a right to screen his arrest record before employment.

In the District of Columbia, a man obtained a custodian's job at an apartment house for women. Only after he had murdered a tenant was it revealed that he was a convicted rapist and burglar.

Five years ago, Oregon enacted a law that closed most criminal records to the public. An Oregon man whose daughter was missing finally located her three days later in a mental hospital after he filed a missing-person report. Only then did he find out that she had been arrested. Authorities had refused to disclose her arrest. Oregon promptly repealed the ludicrous law.

Oddly enough, among the strongest supporters of suppression of criminal records is the American Civil Liberties Union. ACLU attorneys often argue, no doubt with the best of intentions, that disclosure of such records harms the released offender's chances for employment. But what of the rights of the woman murdered in the Washington apartment house? What of the rights of an elementary-school girl in California who was raped by an employee who had, unknown to school officials, a record of sex offenses?

The ACLU's position implicitly suggests that justice is a private affair between the accused and the state. That is an authoritarian notion and one that if accepted in this country would give the police the power of secret arrest and detention. Criminal-justice records, available for public inspection, are the great democratic safeguard against abuses in the criminal-justice system.

The serious offender against the law does carry the burden of his past, but by his act he has breached his own privacy. The ACLU's claim of privacy in the offender's behalf must not be imposed at the risk of the lives of schoolgirls or other innocents.●

IMPROPER REPRESENTATION ON COMMITTEES

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. PARRIS. Mr. Speaker, I am angry and appalled by the failure of the majority to provide proper representation for the minority in committee assignments.

While it is obvious that this is and must be a political body, I do not believe that the results of the November elections should be undercut by denying the Republicans a fair share of the seats on the major committees.

It is obvious that the majority is attempting to insure that President Reagan's proposals, particularly in the tax and budget areas, may not receive proper consideration by this House.

In last November's elections the Republican Party outpolled the Democrats nationally yet only gained 44 percent of the House seats, a fitting testament to the ability of our State legislatures to gerrymander. In spite of holding 44 percent of the House seats the Republicans will only receive 34 percent of the seats in the Ways and Means Committee, 40 percent of the seats on Appropriations and Budget, and a mere 31 percent of the seats on the Rules Committee, a fitting testament to the political tyranny of the majority.

The party which temporarily has the majority in this House is clearly acting to deny the mandate given to the President and his party in the November election. If the President's programs are not enacted as a result of this obstructionism, and we are not able to rescue the country from the mess the majority has gotten us into, I do not think the American people will have any difficulty in deciding where to place the blame.●

ELIMINATION OF THE SOCIAL SECURITY EARNING LIMITATION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. BROWN of Ohio. Mr. Speaker, today I am reintroducing a bill that eliminates, over a 6-year period, the retirement test of the social security program for Americans ages 65 to 71. This legislation is similar to the amendment proposed by the House during its consideration of the Social Security Amendments of 1977 which, unfortunately, was considerably weakened by the Senate. In the last session of Congress, my bill was introduced in the Senate by the Honorable PAUL LAXALT of Nevada.

Current law requires those between the ages of 65 and 71 to forgo $1 of social security for every $2 of income earned over $5,500 per year. Although the Social Security Amendments of 1977 provides for this age limit to drop to 69 in 1982, my bill would reduce the age to which earnings limits apply by 1 year, each year, beginning in 1981 until 1986 when the test will be eliminated.

The purpose of the social security system is to provide a minimum income for minimum need and not to impose a ceiling on retirement income. At age 65, those citizens who paid into the system are entitled to benefits earned without regard to their employment status.

In 1981, a retiring worker, age 65 may continue to work and receive between $153.10 and $677 in monthly benefits without penalty provided he does not exceed the $5,500 per year limitation. Past this limit, an individual loses $1 of benefits for every $2 of earnings. It seems to me most inequitable to impose a 50-percent tax based solely on the annuitant's age and desire to work especially during these inflationary times when the added income is needed to merely maintain a decent standard of living. I am sure my colleagues will agree that is a perverse law that hurts the very people we want to help, those who did not earn enough in their younger years to retire with an adequate income.

At present, I am awaiting an update of the cost of my proposal. However, last year, the Social Security Administration's actuary office estimated this measure would cost the Government an additional $600 million in 1981 and 1982, $900 million in 1983, $1.4 billion in 1984, and $2.2 billion in 1985. However, these numbers do not reflect the additional tax revenues that would flow to the Treasury from the employed individuals. Also omitted are the increased payments to the social security fund and the reduction in public assistance expenditures.

Mr. Speaker, my bill is a reasonable solution to end the unjust penalty imposed upon this Nation's elderly. With double digit inflation rates, the relief can come none too soon. I urge the House to act as it did in 1977 and remove this inequity from the law.

Thank you, Mr. Speaker.●

IRISH HUNGER STRIKE ENDS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. BIAGGI. Mr. Speaker, during the last days of the 96th Congress, a situation was unfolding in Northern Ireland which was of intense concern to me as chairman of the ad hoc Congressional Committee for Irish Affairs.

Beginning on October 27, seven male prisoners in the Long Kesh prison in Northern Ireland began a hunger strike to protest the British Government's failure to grant them political status and other basic prison reforms. They were later joined by three women prisoners from the Armagh prison in the north.

For 7½ weeks, the strike continued, heightening new fears of violence throughout the six counties. Starting on October 29, I led members of the ad hoc committee in a number of appeals for a humanitarian resolution of the problem. Our communications were sent to President Carter and Secretary of State Muskie prior to his early December meeting with Prime Minister Thatcher. In addition, we appealed to the United Nations to involve itself in a mediating capacity to try and expedite the reopening of dialog between the various sides in the dispute.

On December 18, the hunger strike ended after one of the striking prisoners was nearing total blindness and death. The end of the hunger strike has precipitated a wide variety of interpretations by different observers of the Northern Ireland scene.

I wish at this point in the RECORD to insert the text of the official British Government statement issued on the occasion of the ending of the hunger strike for the benefit of my colleagues. The statement was printed by the New York Times:

BRITISH STATEMENT ON IRISH STRIKE

LONDON, Dec. 19.—Following is the text of a statement by the Secretary for Northern Ireland, Humphrey Atkins, that was delivered in the House of Commons today after being presented last night to the Irish prisoners who were on a hunger strike in Belfast and who then called it off:

1. On Dec. 4 the Government set out clearly what is available to all prisoners in Northern Ireland's prisons.

2. We hoped that this would bring an end to the protests. Two more weeks have passed. The protests continue. Those on hunger strike are two weeks nearer death.

3. Their demand for political status is not going to be granted. The European Commission of Human Rights has considered the case made to it by the protesters for political status and has rejected it. The commission asked the Government to keep the humanitarian aspects of the prison regime under continuing review. The Government responded positively to that request with the changes on nine specific points which I set forth in detail in my statement to the House of Commons on Dec. 4. It is our concern that these protests and the hunger strike should not lead to pointless deaths. To the protesters and those on hunger strike I want to say: "There is no reason to go on. The Government has made its response. I want to spell out for you and your families what will happen when the protests end."

4. First of all, any such prisoner will be put into a clean cell. If, as I hope, all prisoners end their protests, we shall begin the task of cleaning up all the cells right away and this would take a week or 10 days.

5. Within a few days clothing provided by their families will be given to any prisoners giving up their protest so that they can wear it during recreation, association and visits. As soon as possible all prisoners will be issued with civilian-type clothing for wear during the working day. From then on, as I said in October, denim prison uniform becomes a thing of the past for all prisoners.

6. They will also immediately become entitled every month to eight letters, four parcels and four visits.

7. Prisoners who end their protest will be able to associate within each wing of the prison blocks in the evening and at weekends. If large groups of prisoners cease their protest simultaneously, a few days may be needed for cleaning up.

8. We want to work out for every prisoner the kinds of available activity which we think suit him best—work (including of course the work of servicing the prison itself), vocational training and educational training. Again, if groups of prisoners come off the protest together, getting this program organized will take some time.

9. On the question of remission—and this will be of special importance to the prisoners' families—provision already exists for lost remission to be restored after subsequent good behavior. We shall immediately start reviewing each case individually.

10. We do not want any prisoners to die; but if they persist in their hunger strike they will not be forcibly fed. If they die, it will be from their own choice. If they choose to live, the conditions available to them meet in a practical and humane way the kind of things they have been asking for. But we shall not let the way we run the prisons be determined by hunger strikes or any other threat.

11. Northern Ireland prisons are acknowledged to include some of the best in the United Kingdom. The boards of visitors will continue to play their part in maintaining this position. For our part we will, subject to the overriding requirements of security, keep prison conditions—and that includes clothing, work, association, education, training and remission—under continuing review.

12. It is the Government's earnest wish that, in the light of these possibilities, all prisoners now protesting in one form or another will bring their protest to an end. In particular, those on hunger strike have nothing to gain by fasting to death. The time to stop is now.●

H.R. 501: TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. GEPHARDT. Mr. Speaker, today my colleague Representative BARBER CONABLE and I are introducing legislation to permit all taxpayers to claim a tax deduction for their contributions to charitable organizations whether or not they itemize their personal deductions.

This legislation has received serious attention in previous Congresses in both the Committee on Ways and Means and in the Senate Finance Committee. A large share of the credit for the substantial progress made in the last 4 years toward enactment of this concept must go to our former colleague, Representative Joseph Fisher of Virginia. His leadership on this issue was invaluable, and the fact that the bill we are introducing today stands such a good chance of enactment during the 97th Congress is due to his considerable efforts and influence on its behalf.

Joining with us in cosponsoring this legislation are Senators DANIEL P. MOYNIHAN and ROBERT PACKWOOD, who are introducing an identical bill.

In the 96th Congress, this measure was sponsored by 253 House Members and 43 Senators. I trust that this breadth of support from both sides of the aisle will soon be evident in the 97th Congress as well.

The rationale behind this bill continues to be both timely and relevant. The major idea is that people ought not be taxed on money they contribute to charitable causes. This should be true whether or not other economic actions make it advantageous for them to itemize personal deductions. Allowing everyone to deduct charitable contributions from taxable income, as this bill proposes, would restore the badly eroded incentives for supporting the independent sector and would strengthen the precarious position of charities in today's inflationary economy. We need to reestablish a proper and appropriate balance between the Government and the voluntary sector. Reaffirming this balance is crucial in today's tightfisted environment, which is restricting Government's ability to support social services, cultural activities, health, education, and many other important services.

The Tax Code currently discourages many individuals from making the contributions that are necessary to sustain the vitality of the independent sector. Two-thirds of the tax returns filed currently use the so-called standard deduction rather than itemization of personal deductions. This is particularly true for taxpayers in the middle and lower income brackets where inflation is already viciously bearing down on people's ability to support themselves and their families and eroding their support for charity. For many, it is becoming increasingly impossible to continue making contributions of after-tax dollars.

These same economic conditions which are adversely impacting people's ability to make charitable contributions are simultaneously reducing the Government's ability to provide services and creating greater needs for such services than ever before. Transferring some of this necessary work of society out of the public sector and into the community—the independent, the voluntary and the nonprofit sector—offers a way out of this dilemma. H.R. 501 provides an incentive to taxpayers to make the charitable contributions which are necessary to accomplish this goal of disengaging the Government from doing many of the things that could be accomplished just as well or even better through voluntary, charitable organizations.●

TRIBUTE TO RETIRED MEMBERS FROM CALIFORNIA

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. STARK. Mr. Speaker, I rise to express my gratitude to Bizz Johnson, Jim Corman, Jim Lloyd, and Lionel Van Deerlin who retired at the end of the last Congress. These men have served their districts, the State of California, and the entire Nation well and faithfully. Their leadership will be especially missed by those of us who are their colleagues from California.

If I may, I'd like to express my personal thanks to Jim Corman for 20 years of service to the people of California and the Nation.

It has been my rare privilege to serve with Jim on the Ways and Means Committee and on the Subcommittee on Public Assistance and Unemployment Compensation, which he has chaired so ably.

I can say with confidence that no Member of this body has better represented the needs of the poor and the disadvantaged than Jim Corman. We've all been educated by his eloquence and his sincerity on welfare reform and national health insurance.

But Jim Corman's constituency is larger than the disenfranchised of this Nation—it includes every American taxpayer who is concerned about tax equity and justice.

Jim Corman is above all a man with a vision of the United States where no person is cold or hungry, sick, or left by the wayside because of social or political forces beyond his control. He has shared that vision with me and with all of us. We are better legislators, better men and women, and better Americans because of it.

Thanks are not enough. We have come a long way in the last 20 years toward the realization of the goals that Jim Corman and I share. But the job is not done, and I know that Jim Corman will not stop working in the years ahead. So I would like to say to that distinguished gentleman from California—you have my thanks and my promise to continue to work with you to realize the vision we share.

And to all my retired colleagues from California we are honoring, I offer my thanks.●

PRIVATE BILL FOR THE RELIEF OF BISHOP COLLEGE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. FROST. Mr. Speaker, I am introducing a private bill today which proposes to relieve Bishop College, of Dallas, Tex., of the pressures of its debt to the Federal Government. This is the successor to the legislation I introduced last year on behalf of Bishop.

For the benefit of my colleagues who are not familiar with this story, I should say that Bishop is a 200-year-old black college with a rich and proud tradition. It is known nationwide as an institution suited for serving the special needs of black students.

Yet, like many of our black colleges, Bishop fell victim several years ago to the twin pressures of falling enrollments and rising operating costs. The "Great Society" programs of the sixties offered some relief, but the variety of rules and reporting requirements that accompanied programs such as title III and title IV made compliance difficult for an administration staffed primarily by ministers and educators. The technical problems were compounded by the actions of a few misguided officials at Bishop who used Federal funds for other than their intended purpose. They did so believing they could save the college, yet the result was that Bishop amassed such a large debt to the Federal Government that its continued operation became questionable.

In August 1979, after an arduous negotiation process, the Department of Health, Education, and Welfare and Bishop College agreed to the terms of Bishop's repayment schedule. Those terms were stringent, yet Bishop's officials were convinced that the college could be rehabilitated.

Mr. Speaker, in the year and one-half since that agreement was signed, Bishop's administrators have been proven correct. They have replaced nonproductive staff with competent and technically proficient financial administrators. This was crucial to the college's future, as a substantial portion of its debt had resulted from funds which may have been used for legitimate purposes but which Bishop's officials could not adequately account for.

Bishop's new administrators have streamlined the college's operations. The academic program has been reduced. Unused lands have been sold off and a profitable bicentennial drive was launched and generated substantial new funds for the school. Most important, a permanent President has been hired, and he has worked diligently over the past year and one-half to turn the school around.

There is every reason to believe that Bishop is on its way to recovery. Officials from the Department of Education will attest to its progress, much of which has taken place during the short time since I introduced the first bill on Bishop's behalf.

But, Mr. Speaker, the terms of the 1979 repayment agreement require Bishop to begin repaying its debt to the Federal Government on August 31, 1981. Interest on that debt has been accruing since 1979, and the terms of the agreement require Bishop to repay the debt in exceptionally large installments. Quite truthfully, those installments are so large that Bishop will be faced with a difficult choice this summer: It can continue to guide the school toward recovery while at the same time providing high quality education, or it can put student needs on the back burner while it makes its debt to the Government its No. 1 priority.

Please understand that no one involved with this college believes that it has been victimized by the Federal Government. Bishop's officials are well aware that the college and its administrators are solely responsible for its current problems. But it is also important to remember that those individuals who were operating the school when it ran up this debt are now out of the system. With only a very few exceptions, there are new administrators at Bishop. And while those individuals may not be connected with Bishop's past mistakes, they took their jobs with the realization they had inherited the mistakes of their predecessors and they have every intention of living up to their obligations.

Mr. Speaker, my bill will enable this college and its administrators to live up to those obligations without forcing it to close its doors. This bill will combine the debts of years up to and including 1978, and will stretch the repayment terms over a 30-year period. More important, it will require Bishop to pay only the principal on that debt—all interest will be forgiven. An interest-free note is crucial to the settlement, as it is the interest now accruing at an annual rate of 10 percent which is compounding Bishop's debt situation. I might add that I am proposing this package with the advice and consent of Department of Education officials. They too are convinced of Bishop's potential, but they are concerned that they do not have the authority to administratively extend the terms of the note over a 30-year period and forgive the interest.

Finally, Mr. Speaker, I will make the same observation I made last year when I spoke out on Bishop's behalf. Should the Federal Government not search for a manageable solution to this problem, it will not be its loss if the college closes and it will not be the loss of the American people. The ultimate losers will be the students—the ones now enrolled and those who plan to enroll there someday. Those young men and women who look to schools like Bishop for their futures will suffer the most if this college is not permitted to continue building on its progress of the past several years.

This package sets a strong precedent for future debt settlements. It puts this body on record as expecting schools which accept Federal funds to use those funds properly and to compensate the Government for any funds that are not used properly. but it also demonstrates that this body can be flexible—that it can recognize how events can get out of control and how it is the innocent who ultimately suffer in the process. I urge my colleagues to look on this college with understanding, and to give every consideration to the legislative package I am introducing today.

Thank you.●

THE TEN COMMANDMENTS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. HUBBARD. Mr. Speaker, the U.S. Supreme Court recently ruled that Kentucky's public schools could not place copies of the Ten Commandments in their classrooms. It mattered little to the Court that private donors purchased these copies of the Ten Commandments and that no one forced Kentucky's schoolchildren to read or study the posted commandments. The Supreme Court seems so determined to wipe away all mention or hint of God in our public schools that it has overlooked the fact that a copy of the Ten Commandments hangs in a prominent place in its own chambers. Furthermore, the Supreme Court fails to recognize that the Ten Commandments serve not only as a good guide to schoolchildren for daily living but also as a fundamental basis of Western legal tradition.

I would like to introduce the text of a letter by Gayle R. Rogers, of Wickliffe, Ky., which highlights the detrimental impact of this Supreme Court ruling:

I am shocked at the recent Supreme Court decision to eliminate the Ten Commandments from Kentucky schools. As the wife of a high school principal, I am particularly aware of the necessity of some sort of moral guidance for our young people.

Can't the appellate jurisdiction be limited? Can't the states have the final say in how to run their schools? Can't God's people have a voice in what is right and wrong for their children? I feel so very helpless in combating the problems that face our nation, but I so feel we should express

our views to the leaders who are in a position in government to do something!●

THE RESIDENTIAL RENTAL HOUSING TAX INCENTIVE ACT OF 1981

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 6, 1981

● Mr. GONZALEZ. Mr. Speaker, there is a great need all across the country for rental housing, and most specifically in urban areas. Thus, I am reintroducing a bill that I proposed late in the last Congress entitled, "The Residential Rental Housing Tax Incentive Act of 1981."

The purpose of my proposal is to encourage the building of rental housing. At the present time the vacancy rate is around 5 percent which means that every rental building has practically every usable unit rented.

This is a crisis situation for many new families or young people wanting to get out on their own, and also for the elderly who have been displaced from their previous homes either due to condominium conversions or the high cost of upkeep in owning a home today. These people are unable to find a decent place to live.

At the present time builders are finding it more lucrative to build other forms of housing, but my bill tries to deal with that problem by providing tax incentives in order to get more reasonably priced housing on the market.

My bill calls for accelerated tax depreciation of new buildings, a 5-year writeoff on improvements to existing low-income apartments, and repeal of the restrictions on amortization of construction-period interest and taxes.

We need to provide decent and affordable housing in every area of our Nation and I believe that my bill is a step in the right direction.

The Committee on Ways and Means will have the Tax Code under consideration for substantial revision in the next few months and I am hopeful that they will give my bill serious consideration.●